



**PURCELLVILLE TOWN COUNCIL
REGULAR MEETING/COMMITTEE OF THE WHOLE WORK SESSION
OCTOBER 27, 2015, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

1. **CALL TO ORDER OF REGULAR MEETING/COMMITTEE OF THE WHOLE WORK SESSION** (Mayor Fraser)
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION** (Mayor Fraser)
4. **AGENDA AMENDMENTS/APPROVAL** (Town Council and Staff)
5. **PROCLAMATIONS/RECOGNITIONS**
 - a. Proclamation – Red Ribbon Week, Young Marine Private First Class, Mikey Artone (pgs. 5-6)
6. **PUBLIC HEARING** (pgs. 7-21)

Zoning District Use Changes Amendment Public Hearing: Proposed Amendments to: (1) Article 2, Sections 1, 5 and 6; (2) Article 4, Sections 1-7 and 9-15; (3) Article 6, Sections 2, 4, 7 and 8; (4) Article 8, Sections 1 and 2; (5) Article 9, Section 5; (6) Article 11, Sections 6-8; and (7) Article 15 of the Zoning Ordinance.
7. **CITIZEN/BUSINESS COMMENTS** (Mayor Fraser)

(All citizens who wish to speak will be given an opportunity. A time minute limit will be imposed on all speakers. All speakers should sign up prior to speaking, and Town residents will be given the first opportunity to speak.)
8. **PRESENTATIONS**
 - a. None Scheduled
9. **PUBLIC SAFETY**
 - a. Old Business
 - i. None Scheduled
 - b. New Business
 - i. None Scheduled

- c. Reports from Public Safety Agencies
 - i. Purcellville Volunteer Rescue Squad (Aaron Kahn, President) (pg. 23)
 - ii. Purcellville Volunteer Fire Company (Brad Quin, President) (pgs. 25-29)
 - iii. Purcellville Citizens Support Team (James Taylor, President/Dawn Mabe, Vice President) (pg. 31)
 - iv. Purcellville Police Dept. (Lt. Joe Schroeck/Chief Cindy McAlister) (pgs. 33-36)

10. **MAYOR AND COUNCIL COMMENTS** (Mayor Fraser)

11. **FINANCE**

- a. Citizen/Business Appeals
 - i. None Scheduled
- b. Old Business
 - i. None Scheduled
- c. New Business
 - i. Tax Collection Update & Collection Processes Information (L. Krens) (pgs. 37-42)
 - ii. 2015 Business License Analysis* (L. Krens) (pgs. 43-49) (*Motion pgs. 43-44*)

12. **PERSONNEL**

- a. Old Business
 - i. None Scheduled
- b. New Business
 - i. Personnel Update (R. Lohr) (pgs. 51-53)
 - ii. Performance Appraisal Process for the Town Manager* (Town Council) (pgs. 55-63) (*Motions as directed by Council*)

13. **COMMUNITY DEVELOPMENT AND LAND USE**

- a. Economic Development

- i. None Scheduled
- b. Land Use
 - i. None Scheduled
- c. Old Business
 - i. None Scheduled
- d. New Business
 - i. None Scheduled

14. LEGAL AND POLICY

- a. Old Business
 - i. Amendment of Town's Annexation Process* (S. Hankins) (pgs. 65-86) (*Motion pg. 67*)
 - ii. Events Ordinance* (S. Hankins) (pgs. 87-172) (*Motion pg. 89*)
 - iii. Town Council's Vision, Mission, Core Values, and Strategic Initiatives* (D. Davis) (pgs. 173-179) (*Motion pg. 174*)
- b. New Business
 - i. None Scheduled

15. TRANSPORTATION/INFRASTRUCTURE

- a. Old Business
 - i. None Scheduled
- b. New Business
 - i. None Scheduled

16. UTILITY

- a. Old Business
 - i. None Scheduled
- b. New Business
 - i. None Scheduled

- c. Public Works Operations Report (A. Vanegas) (pgs. 181-184)

17. GENERAL TOWN COUNCIL ACTION OR DISCUSSION

- a. Website Update and Enhancement Options* (D. Davis) (pgs. 185-190) (*Motion pg. 188*)
- b. Aligning Town Council Meeting Dates with Town Holidays* (R. Lohr) (pgs. 191-192) (*Motion pg. 192*)
- c. Intersection of 32nd Street and Main Street (Town Council) (pgs. 193-194)
- d. Options for Financial Sustainability for Fireman's Field* (Town Council) (pgs. 195-198) (*Motion pg. 198*)
- e. Kline Annexation Discussion (B. Packard) (pgs. 199-237)

18. DISCUSSION OF ITEMS PROPOSED AS A FUTURE PRESENTATION / RECOGNITION / PROCLAMATION

- a. Request for Recognition – Loudoun Valley High School Golf Team – State Champs (pg. 239)
- b. Request for Recognition – Purcellville Community Gardens (pg. 241)

19. APPROVAL OF MINUTES

- a. October 13, 2015 Town Council Regular Meeting (pgs. 243-257)

20. ADJOURNMENT

*Roll Call Votes

IF YOU REQUIRE ANY TYPE OF REASONABLE ACCOMMODATION AS A RESULT OF PHYSICAL, SENSORY OR MENTAL DISABILITY IN ORDER TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT DIANA HAYS, TOWN CLERK, AT 540-338-7421. THREE DAYS NOTICE IS REQUESTED.

USE OF ELECTRONIC DEVICES DURING MEETINGS

For the comfort and consideration of others, all cell phones should be silenced or turned off and not used in the conference room. This is requested due to the potential for interference with our recording devices and the transmittal of our hearing impaired broadcast when in use.



STAFF REPORT
PROCLAMATION/RECOGNITION

Item # 5.a.

SUBJECT: Observation of Red Ribbon Week

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

SUMMARY and RECOMMENDATIONS:

The Shenandoah Valley Young Marines have asked that the Town to participate in Red Ribbon Week, which is October 23-31, 2015. Red Ribbon Week is a collaborative effort around the nation to encourage a drug-free lifestyle and involvement in drug prevention efforts.

BACKGROUND:

Town Council approved this request at their October 13, 2015 Town Council Meeting. The Town has supported Red Ribbon Week and the Shenandoah Valley Young Marines for the past five years.

ATTACHMENTS:

1. Proclamation



PROCLAMATION

Supporting the Observance of Red Ribbon Week

October 23-31, 2015

- WHEREAS*, communities across America have been plagued by the numerous problems associated with illicit drug use and those who traffic them; and
- WHEREAS*, there is hope in winning the War on Drugs, and the hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Shenandoah Valley Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and
- WHEREAS*, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and
- WHEREAS*, the red ribbon was chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and represents the belief that one person CAN make a difference; and
- WHEREAS*, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and
- WHEREAS*, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Purcellville, Virginia hereby proclaims the week of October 23-31, 2015 as “Red Ribbon Week” and encourages all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout the week, joining us and the rest of the nation in promoting the Red Ribbon Celebration and drug-free communities.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Clerk of Council



STAFF REPORT
PUBLIC HEARING ITEM

Item #6

SUBJECT: Zoning District Use Changes Amendment Public Hearing

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Daniel Galindo, AICP – Senior Planner;
Patrick Sullivan, AICP CED – Director of Community
Development

SUMMARY and RECOMMENDATIONS:

The purpose of the Public Hearing is to receive comments on, consider, and possibly vote on amendments to: (1) Article 2, Sections 1, 5 and 6; (2) Article 4, Sections 1-7 and 9-15; (3) Article 6, Sections 2, 4, 7 and 8; (4) Article 8, Sections 1 and 2; (5) Article 9, Section 5; (6) Article 11, Sections 6-8; and (7) Article 15 of the Zoning Ordinance. If Town Council has any questions or would like to request additional information about any specific portion of this amendment, please inform Town staff. For additional information, see the staff report and materials provided in Council's [October 13 agenda](#).

BACKGROUND:

When Town Council previously discussed the proposed amendments on October 13, Mayor Fraser asked three questions, and he has subsequently asked one additional question by email. These are the only four questions that staff has received at this time. If Council does have additional questions or would like to request additional information about any specific portion of the amendment, please inform Town staff. Staff's responses to these questions and information requests will be provided in a staff report whenever this amendment is next listed on a Town Council agenda as a discussion or action item.

ATTACHMENT(S):

1. Public Hearing Notice

**PUBLIC HEARING NOTICE
TOWN OF PURCELLVILLE**

The **Purcellville Town Council** will hold a public hearing in the Town Council Chambers at 221 South Nursery Avenue, Purcellville, Virginia on Tuesday, **October 27, 2015 at 7:00 PM** for the purpose of receiving comments on, considering, and possibly voting on amendments to: (1) Article 2, Sections 1, 5 and 6; (2) Article 4, Sections 1-7 and 9-15; (3) Article 6, Sections 2, 4, 7 and 8; (4) Article 8, Sections 1 and 2; (5) Article 9, Section 5; (6) Article 11, Sections 6-8; and (7) Article 15 of the Zoning Ordinance. The proposed amendments are summarized below, and a redline copy of the entire amendment can be found at www.purcellvilleva.gov.

PZO Article and Section	PZO Amendments and Changes
Generally	<ol style="list-style-type: none"> 1. Changes "single-family dwellings" to "single-family detached dwellings" to match new terminology, where appropriate. 2. Deletes dates when text was adopted, added, amended and the like. 3. Minor adjustments to phrasings to ensure readability. 4. Add, correct, or otherwise modify cross-references within the ordinance, including, but not limited to, the instances listed below.
Article 2, Section 1	<ol style="list-style-type: none"> 1. Modifies district names to correspond to names used in Article 4.
Article 2, Section 5, Subsection e.1	<ol style="list-style-type: none"> 1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 2, Section 5, Subsection e.2	<ol style="list-style-type: none"> 1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 2, Section 5, Subsection e.1.)
Article 2, Section 5, Subsection e.3	<ol style="list-style-type: none"> 1. Adds cross-reference to location of sign regulations (Article 6, Section 3).
Article 2, Section 6	<ol style="list-style-type: none"> 1. Modified to provide interim zoning classification of all annexed areas as X Transitional District. (Previously County PD-GI zoning became Town CM-1 & County PDH6 zoning became Town PDH8.)
Article 4, Section 1	<ol style="list-style-type: none"> 1. Retitles section as "Use Regulations."
Article 4, Section 1, Subsection 1.1	<ol style="list-style-type: none"> 1. Adds subsection titled "Use table" which sets forth the uses allowed in each base zoning district within a single table that is printed in full below.
Article 4, Section 1, Subsection 1.2	<ol style="list-style-type: none"> 1. Adds subsection titled "Use standards" which details standards for the following uses: <ol style="list-style-type: none"> a. Accessory buildings and uses b. Agriculture/horticulture c. Bus shelter d. Car wash e. Child care, commercial f. Child care, residential g. Church or other place of worship h. College or university i. Communications tower j. Concrete plant k. Conservancy subdivision l. Construction/landscaping equipment and supply sales and service m. Contractor's office and storage area n. Drive-through facility o. Dwelling, accessory p. Dwelling, apartment

	<ul style="list-style-type: none"> q. Dwelling, multiple-family r. Dwelling, single-family attached s. Eating establishment t. Equestrian facility, commercial u. Equestrian facility, residential v. Farm and community market w. Farm equipment and supply sales and service x. Fuel pump, accessory y. Fueling station z. Home occupation aa. Kennel bb. Laboratory cc. Lighted sports field dd. Machine shop ee. Manufacturing, light ff. Office gg. Outdoor storage lot hh. Personal services establishment ii. Retail sales, general jj. School, private kk. School, special instruction ll. School, technical mm. Sign shop nn. Studio oo. Vehicle sales and service pp. Veterinary clinic
Article 4, Section 2, Subsection 2.2	<ul style="list-style-type: none"> 1. Deletes list of permitted uses. 2. Changes heading to “Permissible uses.” 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 2, Subsection 2.3	<ul style="list-style-type: none"> 1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 2, Subsection 2.2.)
Article 4, Section 2, Subsection 2.4	<ul style="list-style-type: none"> 1. Title shortened to “Permitted signs” to match other districts.
Article 4, Section 2, Subsection 2.7	<ul style="list-style-type: none"> 1. Deletes entire subsection stating special provisions for corner lots because such standards were previously moved to Article 3, Section 14.
Article 4, Section 3, Subsection 3.1	<ul style="list-style-type: none"> 1. Changes “accessory dwelling units” to “accessory dwelling” to match new terminology.
Article 4, Section 3, Subsection 3.2	<ul style="list-style-type: none"> 1. Deletes list of permitted uses. 2. Changes heading to “Permissible uses.” 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 3, Subsection 3.3	<ul style="list-style-type: none"> 1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 3, Subsection 3.2.) 2. Deletes all language referring to commission permits.
Article 4, Section 3A	<ul style="list-style-type: none"> 1. Adds “R-3A” code to title to match other districts.
Article 4, Section 3A, Subsection 3A.2	<ul style="list-style-type: none"> 1. Deletes list of permitted uses. 2. Changes heading to “Permissible uses.” 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 3A, Subsection 3A.3	<ul style="list-style-type: none"> 1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 3A,

	Subsection 3A.2.)
Article 4, Section 3A, Subsection 3A.4	<ol style="list-style-type: none"> 1. Changes numbering from “a, b, c...” to “1, 2, 3...” to match formatting of other districts. 2. Modifies screening requirements for parking lots located to the side of the structure to require screening from the street and structures on neighboring lots.
Article 4, Section 3A, Subsection 3A.5	<ol style="list-style-type: none"> 1. Deletes sign regulations. 2. Adds cross-reference to location of sign regulations (Article 6) to match other districts.
Article 4, Section 3A, Subsection 3A.6	<ol style="list-style-type: none"> 1. Changes numbering from “a, b, c...” to “1, 2, 3...” to match formatting of other districts.
Article 4, Section 3A, Subsection 3A.7	<ol style="list-style-type: none"> 1. Changes numbering from “a, b, c...” to “1, 2, 3...” to match formatting of other districts. 2. Modified to clarify that stated setbacks are minimum setbacks to match other districts.
Article 4, Section 3A, Subsection 3A.8	<ol style="list-style-type: none"> 1. Deletes entire subsection stating special provisions for corner lots because such standards were previously moved to Article 3, Section 14.
Article 4, Section 3A, Subsection 3A.9	<ol style="list-style-type: none"> 1. Changes numbering from “a, b, c...” to “1, 2, 3...” to match formatting of other districts.
Article 4, Section 3A, Subsection 3A.10	<ol style="list-style-type: none"> 1. Deletes regulation that the number of parking spaces specified is a minimum and maximum requirement because Article 6 no longer specifies a number of parking spaces for specific uses.
Article 4, Section 4, Subsection 4.2	<ol style="list-style-type: none"> 1. Deletes list of permitted uses. 2. Changes heading to “Permissible uses.” 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 4, Subsection 4.3	<ol style="list-style-type: none"> 1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 4, Subsection 4.2.)
Article 4, Section 4, Subsections 4.5 & 4.6	<ol style="list-style-type: none"> 1. Modifies references for location of single-family attached dwelling use standards to Article 4, Section 1.2 from previous location in Article 4, Section 4.11.
Article 4, Section 4, Subsection 4.11	<ol style="list-style-type: none"> 1. Deletes entire subsection containing special regulations for townhomes. (Such regulations now found in Article 4, Section 1.2.)
Article 4, Section 5, Subsection 5.1	<ol style="list-style-type: none"> 1. Adds descriptor of “high” density because this district allows the highest residential density of any in town.
Article 4, Section 5, Subsection 5.2	<ol style="list-style-type: none"> 1. Deletes list of permitted uses. 2. Changes heading to “Permissible uses.” 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 5, Subsection 5.3	<ol style="list-style-type: none"> 1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 5, Subsection 5.2.)
Article 4, Section 5, Subsection 5.5	<ol style="list-style-type: none"> 1. Modifies reference for location of single-family attached dwelling use standards to Article 4, Section 1.2 from previous location in Article 4, Section 5.12. 2. Deletes language regarding density for dwellings for the elderly and handicapped.
Article 4, Section 5, Subsection 5.6	<ol style="list-style-type: none"> 1. Modifies reference for location of single-family attached dwelling use standards to Article 4, Section 1.2 from “sections below” (previously Article 4, Section 5.12).
Article 4, Section 5, Subsection 5.12	<ol style="list-style-type: none"> 1. Deletes entire subsection containing special regulations for townhomes. (Such regulations now found in Article 4, Section 1.2.)

Article 4, Section 5, Subsection 5.13	1. Deletes entire subsection containing special regulations for multiple-family dwellings. (Such regulations now found in Article 4, Section 1.2.)
Article 4, Section 6, Subsection 6.1	1. Deletes unnecessary language stating district can be applied to large or small areas.
Article 4, Section 6, Subsection 6.2	1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 6, Subsection 6.3	1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 6, Subsection 6.2.)
Article 4, Section 6, Subsection 6.10	1. Deletes list of additional standards for special permit uses. (Such standards now found in Article 4, Section 1.2.) 2. Corrects references for location of general standards for special use permits (Article 8, Section 2) and additional design standards for all uses in the district (Article 4, Section 6.9). 3. Adds cross-reference to location of use standards (Article 4, Section 1.2).
Article 4, Section 7	1. Adds "MC" code to title to match other districts.
Article 4, Section 7, Subsection 7.1	1. Corrects use of "side" to "site." 2. Deletes language regarding right to appeal to reestablish a nonconforming use for up to 3 years.
Article 4, Section 7, Subsection 7.2	1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 7, Subsection 7.3	1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 7, Subsection 7.2.)
Article 4, Section 7, Subsection 7.4	1. Deletes entire subsection listing uses requiring a commission permit. (Such uses now found in Article 8, Section 2.)
Article 4, Section 7, Subsection 7.6	1. Corrects reference for location of additional provisions that may modify minimum yard requirements (Article 6).
Article 4, Section 7, Subsection 7.13	1. Deletes entire subsection listing additional standards for permitted uses. (Such standards now found in Article 4, Section 1.2.)
Article 4, Section 7, Subsection 7.14	1. Deletes list of additional standards for special permit uses. (Such standards now found in Article 4, Section 1.2.) 2. Corrects references for location of general standards for special use permits (Article 8, Section 2). 3. Adds cross-reference to location of use standards (Article 4, Section 1.2).
Article 4, Section 9, Subsection 9.2	1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 9, Subsection 9.3	1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 9, Subsection 9.2.)
Article 4, Section 10, Subsection 10.2	1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 10, Subsection 10.3	1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 10, Subsection 10.2.)

Article 4, Section 10, Subsection 10.7	1. Adds additional regulations for commercial and industrial buildings related to: conducting business within enclosed buildings, landscaping, refuse, and drainage. (Such standards were previously found in Article 6, Section 7.5.)
Article 4, Section 11, Subsection 11.2	1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 11, Subsection 11.3	1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 11, Subsection 11.2.)
Article 4, Section 11, Subsection 11.7	1. Adds additional regulations for manufacturing and commercial buildings related to: site plans, refuse, drainage, fencing, and hazardous materials and chemicals. (Such standards were previously found in Article 6, Section 7.5.)
Article 4, Section 12, Subsection 12.2	1. Deletes list of principal permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 12, Subsection 12.3	1. Deletes entire subsection listing secondary permitted uses. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 12, Subsection 12.2.)
Article 4, Section 12, Subsection 12.4	1. Deletes entire subsection listing uses permitted by special exception. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 12, Subsection 12.2.)
Article 4, Section 12, Subsection 12.5	1. Deletes references to recreation uses.
Article 4, Section 12, Subsection 12.7	1. Corrects reference for location of bulk regulations (Article 11, Section 7).
Article 4, Section 12, Subsection 12.9.2	1. Deletes affordable housing exemption to the funding of recreation facilities.
Article 4, Section 13, Subsection 13.1	1. Modifies language to state that district is applied to any land annexed in to town.
Article 4, Section 13, Subsection 13.2	1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 13, Subsection 13.3	1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 13, Subsection 13.2.)
Article 4, Section 14, Subsection 14.1	1. Modifies language to list purposes by number rather than in a bulleted list.
Article 4, Section 14, Subsection 14.2	1. Deletes list of permitted uses. 2. Changes heading to "Permissible uses." 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 14, Subsection 14.3	1. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 14, Subsection 14.2.)
Article 4, Section 14, Subsection 14.7	1. Deletes entire subsection stating special provisions for corner lots because such standards were previously moved to Article 3, Section 14.
Article 4, Section 15	1. "AC" code moved to the front of the title to match other districts and the codes listed in Article 2, Section 1.
Article 4, Section 15,	1. Deletes list of permitted uses.

Subsection 15.2	<ol style="list-style-type: none"> 2. Changes heading to “Permissible uses.” 3. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 4, Section 15, Subsection 15.3	<ol style="list-style-type: none"> 1. Deletes entire subsection listing accessory uses and structures. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 15, Subsection 15.2.)
Article 4, Section 15, Subsection 15.4	<ol style="list-style-type: none"> 2. Deletes entire subsection listing uses permitted by special use permit. (Such uses now found in Article 4, Section 1 as referenced in Article 4, Section 15, Subsection 15.2.)
Article 4, Section 15, Subsection 15.5.2	<ol style="list-style-type: none"> 1. Deletes definition of “conservancy subdivision.” (Definition is now found in Article 15.)
Article 4, Section 15, Subsection 15.5.3	<ol style="list-style-type: none"> 1. Corrects references to the location of the district’s individual use standards (Article 4, Section 15.9).
Article 4, Section 15, Subsection 15.6	<ol style="list-style-type: none"> 1. Updates language detailing the use of gravel parking lots to reflect previous changes to Article 6, Section 1.
Article 4, Section 15, Subsection 15.9	<ol style="list-style-type: none"> 1. Changes “animal hospital” to “veterinary clinic.” 2. Changes “antique shop; art gallery or studio; craft shop” to “studio.” 3. Changes “arboretum, botanical garden, nature preserve” to “nature preserve.” 4. Deletes regulations for “commercial nurseries.” 5. Deletes regulations for “conference center or corporate retreat.” 6. Deletes regulations for “cultural center.” 7. Changes “farm machinery sales and service” to “farm equipment and supply sales and service.” 8. Changes “farm market” to “farm and community market.” 9. Deletes regulations for “teahouse; coffeehouse.”
Article 6, Section 2	<ol style="list-style-type: none"> 1. Updates uses listed to determine number of loading spaces required to those now used in the ordinance as listed in Article 4, Section 1.
Article 6, Section 4, Subsection 4.2.2	<ol style="list-style-type: none"> 1. Changes “hotel, motel, motor lodge, bed and breakfast facility or tourist home or rooms in a rooming, boarding or lodging house” to “hotel, country inn or bed and breakfast facility.”
Article 6, Section 4, Subsection 4.3.2	<ol style="list-style-type: none"> 1. Changes “convalescent or nursing homes and homes for the aged” to “Nursing homes and assisted living facilities housing nine or more individuals.”
Article 6, Section 4, Subsection 4.7.1	<ol style="list-style-type: none"> 1. Deletes language regarding the granting of a special exception by the board of zoning appeals to reflect previous changes to Article 9, Section 5.
Article 6, Section 7	<ol style="list-style-type: none"> 1. Deletes entire section regarding special regulations for residential day care or home child care, nursery schools, kindergartens, child care centers, day nursery or day care centers, private schools, technical or business schools, colleges or universities, industrial use, and churches. (Such standards are now found in Article 4, Section 1.2 except for the industrial use standards which are now found in Article 4, Sections 10.7 & 11.7.)
Article 6, Section 8, Subsection 8.1	<ol style="list-style-type: none"> 1. Modifies applicability language to clarify that the performance standards listed in this section apply to all permitted uses.
Article 6, Section 8, Subsection 8.7	<ol style="list-style-type: none"> 1. Deletes Loudoun County section reference and heading.
Article 8, Section 1, Subsection 1.2	<ol style="list-style-type: none"> 1. Deletes language regarding churches.
Article 8, Section 1, Subsection 1.4.A	<ol style="list-style-type: none"> 1. Changes “department of planning and zoning” to “department of community development.” 2. Changes “director of planning” to “director of community development.”
Article 8, Section 1,	<ol style="list-style-type: none"> 1. Deletes reference to “number 7” which does not exist.

Subsection 1.8.5	
Article 8, Section 2, Subsection 2.1	<ol style="list-style-type: none"> 1. Deletes list of uses requiring a commission permit. 2. Adds the following uses which may require a commission permit: <ol style="list-style-type: none"> a. Community or cultural facility. b. Fire, rescue or police station. c. Government office and assembly room. d. Government operations facility. e. Library. f. Major public utility. g. Minor public utility. h. Park. i. Playground. j. Public or government buildings, facilities, or uses not otherwise defined. k. Public recreation facility. l. Public school.
Article 9, Section 5, Subsection 5.1	<ol style="list-style-type: none"> 1. Deletes list of special exception uses. 2. Adds cross-reference to new use regulations in Article 4, Section 1.
Article 11, Section 6	<ol style="list-style-type: none"> 1. Corrects various cross-references to other sections within the article.
Article 15, Section 2	<ol style="list-style-type: none"> 1. Adds definitions for the following: <ol style="list-style-type: none"> a. Agricultural operation b. Agricultural products c. Agriculture/horticulture d. All-weather surface e. Amphitheater f. Assisted living facility g. Auction house h. Automated teller machine (ATM), accessory i. Brewery, winery or distillery j. Bus depot and maintenance facility k. Bus shelter l. Cemetery m. Child care, residential n. Communications tower o. Community or cultural facility p. Community garden q. Concrete plant r. Conservancy subdivision s. Construction/landscaping equipment and supply sales and service t. Contractor's office and storage area u. Convenience store v. Dwelling, accessory w. Dwelling, apartment x. Dwelling, single-family attached y. Dwelling, single-family detached z. Dwelling, single-family detached farmhouse aa. Equestrian facility, commercial bb. Equestrian facility, residential cc. Farm equipment and supply sales and service dd. Firing range, indoor ee. Food processing, retail ff. Food processing, wholesale gg. Fuel pump, accessory

	<ul style="list-style-type: none"> hh. Fueling station ii. Government operations facility jj. Group home kk. Kennel ll. Laboratory mm. Lighted sports field nn. Machine shop oo. Manufacturing, light pp. Mini-storage facility qq. Multiple-use development rr. Nature preserve ss. Nursery tt. Nursing home uu. Outdoor storage vv. Park ww. Parking lot, commuter xx. Parking structure yy. Petroleum, propane and other flammable liquids, storage, distribution, and sales zz. Petting farm aaa. Public utility bbb. Recreation facility, commercial indoor ccc. Recreation facility, commercial outdoor ddd. Recreation facility, public eee. Retail sales, accessory fff. School ggg. School, private hhh. School, public iii. Service/repair establishment jjj. Sign shop kkk. Special event lll. Storage warehouse mmm. Temporary food truck/trailer nnn. Upholstery shop ooo. Vehicle sales and service ppp. Vehicle sales storage lot qqq. Wholesale sales rrr. Yard/garage sale <p>2. Deletes definitions for the following:</p> <ul style="list-style-type: none"> a. Automobile or truck sales, service, and repair, including body or fender repair, but not auto salvage or junk b. Automobile or truck parts sales, wholesale, but not junk c. Automobile storage lot, new or used cars, but not storage or sale of junk d. Automobile used car lot, or used truck sales e. Bakery, retail f. Boardinghouse g. Boat and boat trailer sales and storage h. Business or technical school i. Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and for the use of occupants thereof. j. Commercial recreation facility, indoor k. Commercial recreation facility, outdoor l. Dog kennel, commercial
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	<ul style="list-style-type: none"> m. Farm supply and service establishments, implement sales, rental and service, feed and seed store, including custom milling of grain and feed n. Garage, public o. Guest house p. Institutions q. Lawn mower, yard and garden equipment, rental, sales and service r. Lumber and building supply s. Monument sales establishments t. Motorcycle or off-road vehicle sales and service u. Nurseries for growing plants, trees and shrubs v. Offices—Medical or dental w. Parks x. Parkways y. Plumbing and electrical supply sales z. Private clubs including health clubs aa. Public utility or public service or transportation uses. bb. Pump, fuel cc. Recreational uses or facilities for a private membership dd. Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer bodies except campers and travel trailers ee. Rental of household items, tools and appliances ff. Repair service establishment gg. Restaurant or cafeteria, lunchroom or snack bar for the use of employees who work in the building where such facility is located, provided such facility has no exterior entrances or exits or signs. hh. Roominghouse ii. Schools jj. Taxidermist <p>3. Modifies definitions for the following:</p> <ul style="list-style-type: none"> a. Accessory dwelling unit b. Adult care center c. Apartment d. Automotive service station e. Bed and breakfast f. Car wash g. Catering h. Child care, commercial i. Church or other place of worship j. Clinic, urgent care k. College or university l. Commercial uses of greater than 10,000 square feet m. Convalescent, nursing or rest home. n. Country inn o. Day nursery or child day care center p. Drive-through facility q. Dry cleaning and laundry establishment r. Dwelling, attached s. Dwelling, detached single-family t. Eating establishment u. Financial institution v. Fire, rescue or police station w. Fuel pump x. Funeral home
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	y. Garage, parking z. Government office and assembly room aa. Greenhouse bb. Hotel cc. Laundry dd. Laundromat ee. Library ff. Major transmission lines gg. Nursery school hh. Office ii. Outdoor storage lot jj. Parking lot kk. Parking lot, public ll. Personal services establishment mm. Playground nn. Police station oo. Printing, publishing, and engraving pp. Private club qq. Private school rr. Public or government building, facility or use not otherwise defined ss. Public utility, minor tt. Public water and sewer system uu. Pumping station or regulator station vv. Radio or television studio ww. Radio, television, telephone or other communication tower xx. Retail sales, general yy. School, special instruction zz. School, technical aaa. Single-family detached dwelling bbb. Street centerline ccc. Studio ddd. Substation eee. Temporary stand fff. Theater ggg. Townhouse hhh. Treatment plants iii. Veterinary clinic jjj. Water storage tank
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The proposed table of uses is printed below as it would appear in Article 4, Section 1, Subsection 1.1 of the zoning ordinance. In this table: “P” means a permitted use, “SE” means a special exception use, “SUP” means a use allowed by special use permit, “PPU” means a principal permitted use in the PDH district, “SPU” means a secondary permitted use in the PDH district, and a blank cell means that the listed use is not allowed in the respective zoning district.

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	Art. 4, Sec. 1.2.1
Adult care center						P		P								
Agriculture/horticulture												P		P		Art. 4, Sec. 1.2.4
Amphitheater							SUP	SUP					SUP			

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Assisted living facility - 1-8 individuals	P	P	P	P	P		P	P			PPU	P		P	P	
Assisted living facility - 9 or more individuals	SUP	SUP	SUP	SUP	SUP		SUP	SUP			SPU		SUP		SUP	
Auction house							P		P	P						
Automated teller machine (ATM), accessory						P	P	P	P	P	SPU					
Bed and breakfast	SUP	SUP	P	SUP	SUP		P	P				P		P	SUP	
Brewery, winery or distillery						P	P	P	P	P				P		
Bus depot and maintenance facility									P	P						
Bus shelter	P	P	P	P	P	P	P	P	P	P	PPU	P	P	P	P	Art. 4, Sec. 1.2.17
Car wash						SUP	P		P	P						Art. 4, Sec. 1.2.20
Catering						P	P	P	P	P				P		
Cemetery													SUP			
Child care, commercial						P	P	P			SPU		SUP			Art. 4, Sec. 1.2.24
Child care, residential	P	P	P	P	P		P	P			PPU	P		P	P	Art. 4, Sec. 1.2.27
Church or other place of worship	SUP	SUP				SUP	P				SPU	P	P	P		Art. 4, Sec. 1.2.30
Clinic, urgent care						P	P	P	SUP							
College or university											SPU		P			Art. 4, Sec. 1.2.33
Commercial uses of greater than 10,000 square feet						SUP	SUP	SUP								
Communications tower						SUP	SUP	SUP	SUP	SUP		SUP	SUP	SUP	SUP	Art. 4, Sec. 1.2.36
Community garden											SPU	P	P	P		
Community or cultural facility							P	P			SPU		P			
Concrete plant								SUP								Art. 4, Sec. 1.2.40
Conservancy subdivision														P		Art. 4, Sec. 1.2.43
Construction/landscaping equipment and supply sales and service							P	P	P	P						Art. 4, Sec. 1.2.46
Contractor's office and storage area						P		SUP	P	P						Art. 4, Sec. 1.2.49
Convenience store							P	P			SPU					
Country inn							P	P						P		
Drive-through facility						SUP	SUP	SUP	SUP	SUP	SPU					Art. 4, Sec. 1.2.53
Dry cleaning and laundry establishment							P	P								
Dwelling, accessory	SE	SE	SE	SE	SE						SE	SE		SE	SE	Art. 4, Sec. 1.2.56
Dwelling, apartment			P		P		P	P								Art. 4, Sec. 1.2.59
Dwelling, duplex		P		P	P											

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Dwelling, multiple-family					P						PPU					Art. 4, Sec. 1.2.62
Dwelling, single-family attached				P	P			SUP			PPU					Art. 4, Sec. 1.2.65
Dwelling, single-family detached	P	P	P	P	P			SUP			PPU	P		P	P	
Dwelling, single-family detached farmhouse														P		
Eating establishment - less than or equal to 6,000 square feet						P	P	P	P	P	SPU			P		Art. 4, Sec. 1.2.69
Eating establishment - greater than 6,000 square feet						SUP	SUP	SUP	SUP	SUP	SPU			SUP		Art. 4, Sec. 1.2.69
Equestrian facility, commercial											SPU			SUP		Art. 4, Sec. 1.2.72
Equestrian facility, residential	P										SPU	P		P	P	Art. 4, Sec. 1.2.75
Farm and community market							P	P			SPU		P	P		Art. 4, Sec. 1.2.78
Farm equipment and supply sales and service							P	P	P	P				SUP		Art. 4, Sec. 1.2.81
Financial institution						P	P	P			SPU					
Fire, rescue or police station									SUP		PPU		P			
Firing range, indoor							SUP		SUP	P						
Fitness center						P	P	P	P	P						
Food processing, retail							P	P								
Food processing, wholesale							SUP		P	P						
Fuel pump, accessory						P	P	P	P	P						Art. 4, Sec. 1.2.91
Fueling station							SUP		SUP	P						Art. 4, Sec. 1.2.94
Funeral home						P	P	P								
Government office and assembly room											PPU		P			
Government operations facility											PPU		SUP			
Group home	P	P	P	P	P		P	P			PPU	P		P	P	
Home occupation	P	P	P	P	P		P	P			SPU	P		P	P	Art. 4, Sec. 1.2.101
Hospital													SUP			
Hotel						P	P	P								
Kennel						SUP	SUP	SUP	SUP	SUP				SUP		Art. 4, Sec. 1.2.105
Laboratory						P	P	P	P	P						Art. 4, Sec. 1.2.108
Laundromat							P	P								
Library								P			PPU		P			
Lighted sports field												SUP	SUP	SUP		Art. 4, Sec.

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
																1.2.112
Machine shop									P	P						Art. 4, Sec. 1.2.115
Manufacturing, light						SUP			P	P						Art. 4, Sec. 1.2.118
Nature preserve														P		
Nursing home	SUP	SUP	SUP	SUP	SUP		SUP	SUP					SUP		SUP	
Office			P			P	P	P	P	P	SPU					Art. 4, Sec. 1.2.122
Outdoor storage lot							SUP	SUP	P	P						Art. 4, Sec. 1.2.125
Park						P					PPU		P	P		
Parking lot, commuter													SUP			
Parking lot, public						P	P	P	P	P	PPU		P			
Parking structure						SUP	SUP	SUP	SUP	SUP			SUP			
Personal services establishment						P	P	P	P		SPU					Art. 4, Sec. 1.2.132
Petroleum, propane, and other flammable liquids, storage, distribution and sales									P	SUP						
Petting farm														P		
Playground	P	P	P	P	P	P	P	P	P		SPU		P	P		
Printing, publishing and engraving						P	P	P	P							
Private club							SUP	SUP			SPU		P	SUP		
Public or government building, facility, or use not otherwise defined											PPU		SUP			
Public utility, major						SUP	SUP	SUP	SUP	SUP	SPU	SUP	SUP	SUP	SUP	
Public utility, minor	P	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	
Radio or television studio						P	P	P		P						
Recreation facility, commercial indoor - less than or equal to 10,000 square feet						P	P	P	P	P				SUP		
Recreation facility, commercial indoor - greater than 10,000 square feet						SUP	SUP	SUP	SUP	SUP				SUP		
Recreation facility, commercial outdoor - less than or equal to 20,000 square feet							P	P						SUP		
Recreation facility, commercial outdoor - greater than 20,000 square feet							SUP	SUP						SUP		
Recreation facility, public								P			PPU		SUP	P		

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Retail sales, accessory						P	P	P	P	P			P	P		
Retail sales, general						P	P	P	SUP	SUP	SPU					Art. 4, Sec. 1.2.155
School, private							SUP	SUP			SPU		P			Art. 4, Sec. 1.2.158
School, public											PPU	SUP	SUP			
School, special instruction			SUP			P	P	P	P	P	SPU		P			Art. 4, Sec. 1.2.161
School, technical			SUP			P	P	P	P	P	SPU					Art. 4, Sec. 1.2.164
Service/repair establishment							P	P	P	P						
Sign shop						P	P	P	P	P						Art. 4, Sec. 1.2.167
Special event	P	P	P	P	P	P	P	P	P	P	SPU	P	P	P	P	
Storage warehouse									P	P						
Studio			P			P	P	P	P	P				P		Art. 4, Sec. 1.2.171
Temporary food truck/trailer						P	P	P	P	P			P	P		
Temporary stand							P	P								
Theater							SUP	SUP					SUP			
Upholstery shop							P	P	P	P						
Vehicle sales and service							SUP		P	P						Art. 4, Sec. 1.2.178
Vehicle sales storage lot							SUP		P	P						
Veterinary clinic		SUP				P	P	P	P	P	SPU			P		Art. 4, Sec. 1.2.181
Wholesale sales							SUP		P	P						
Yard/garage sale	P	P	P	P	P							P		P	P	

The proposed amendments to the Zoning Ordinance for the Town of Purcellville, Virginia are available for review at the Purcellville Town Hall, 221 South Nursery Avenue, Purcellville, Virginia from 8:00 A.M. to 5:00 P.M., Monday through Friday, holidays excepted. The proposed amendments are also outlined on the Town's website at www.purcellvilleva.gov

Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation to participate in this meeting, as a result of a physical, sensory or mental disability, contact the Purcellville Town Clerk at 540-338-7421. Please provide notice of the accommodation at least three days in advance of the meeting.

Kwasi A. Fraser, Mayor
Town of Purcellville

Run dates: October 9 & October 16, 2015

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STAFF REPORT
INFORMATION ITEM

Item # 9.c.i.

SUBJECT: Update from Purcellville Volunteer Rescue Squad

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Aaron Kahn, President, Purcellville Volunteer Rescue Squad

No written report provided.

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STAFF REPORT
INFORMATIONAL ITEM

Item # 9.c.ii.

SUBJECT: Purcellville Volunteer Fire Company Monthly Update

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Bradley J. Quin, President/Membership Chair

SUMMARY and RECOMMENDATIONS:

The contents of the report is intended to help inform the Town Council of the administrative activities of the PVFC in service to the community.

ATTACHMENT(S):

1. September/October Update



PURCELLVILLE VOLUNTEER FIRE COMPANY

ADMINISTRATIVE REPORT TO THE PURCELLVILLE TOWN COUNCIL

The contents of this report are intended to help inform the Purcellville Town Council of the administrative activities of the Purcellville Volunteer Fire Company in service to the community. Operational data (fire calls, action reports) are excluded and are part of a more formal operational report provided by the Chief of the Department.

Administration

- The County's Executive Committee unanimously approved the Administrative Operations Committee's (AOC) recommendations for the final adjusted distribution of the annual contribution to volunteer companies at its September 29th meeting. President Quin of Purcellville chairs the AOC and sits on the EC as a voting member.
- Through mid-October 25 new members were added to the company roster: 24 operational and one associate.
- Membership losses through July were limited to a total of 13 individuals.
- Three members of the company graduated as certified fire fighters after successfully completing Fire Certification School> PFF Caleb Blank, PFF Charlie Grim and PFF Thomas Comer attended classes on two evenings and one full weekend day each week beginning in Late February and concluding this July, fully six months of training. This is an enormous commitment of time and energy for volunteers which places them on a par with the training required of career staff in the combined system. Graduation occurred on July 30th at the Lansdown Conference Center. Seven new members have enrolled in the fall fire school which began on September 1.
- These three newest fire fighters and 9 recently minted fire fighters and associate members others were recognized by Town Council at the September 8th meeting.
- The company conducted the annual testing of all of Station 602's fire hoses required by National Fire Protection Association standards of operation.

Fourteen Volunteer firefighters under the direction of Chief Bob Dryden, were joined by the five 'B' shift Career firefighters under Capt Kelly Williams for some serious manual labor on Thursday 24 September. It involved 11,350 feet (or nearly 38 football fields) of hose. These nineteen men and women worked from 730AM - 3PM helping a contractor lay out the hoses, charge them to the manufacture's suggested water pressure, and then closely look at each for mildew, rot, cuts, burns, and abrasions. All of this was to verify that no delamination or separation was seen, which then allowed the contractor to certify them in compliance with a National Fire Protection Association (NFPA) standard. This standard helps insure that our equipment is ready to fight fires, and also to protect the lives and property of those in peril, including firefighters themselves.

- The Company's annual mail solicitation fund drive has to date generated approximately \$22,000 short of our goal of \$32,000. Such has been the experience of most volunteer companies in recent years with respect to direct mail solicitation. As such we rely on our annual Christmas Tree Sales fund raiser which beings immediately after Thanksgiving to bolster direct community financial support. We appreciate the support of those in our community (and from the two Town Council members) who have contributed as fund raising is still a critical component of our income stream.
- For those who are following progress with the acquisition of our new tower ladder truck, it is complete and ready for final inspection. We will be visiting the folks at Pierce Manufacturing again in Appleton WI during the last week of October to perform final inspection and sign off. Delivery to the station should follow by a couple of weeks. We anticipate mounting equipment on the tower during the Christmas tree sales period and placing it into service following that activity.

Community Outreach and Public Relations

- On Wednesday September 2nd the company was honored to play host to guide dog puppies in training at our station. Eight dogs associated with Shenandoah Region - Guiding Eyes for the Blind with their fostering families, gained familiarity and a calming experience by walking around our large firefighting apparatus. They also met members dressed in full personal protective equipment, all of which is intended to make the dogs accumulated to a scene that we hope they will never encounter..
- Liz Tenney Jarvis has been coordinating a once-a-month home-cooked meal for the firefighters at the Purcellville Fire Station for the past three years. This came out of her position as the organizer for Community Outreach while involved with the Moms Club of Purcellville, now Western Loudoun Parents Group.

Jarvis says the effort served two purposes. First, it is a nice way to show community support for

the firefighters and provide the crew with a home-cooked meal during their busy monthly meeting night and second, involving kids in the preparation and delivery of the dinner provides a way for them to see how important it is to contribute to the town. Families sometimes paired up to prepare the meal that feeds up to twelve hungry firefighters, said Jarvis.

As the program enters its fourth year, Wendy Sellers will now be leading the efforts. This is a very personal undertaking for Wendy, as her home was devastated by fire last February. Many thanks to the Purcellville Gazette for allowing us to re-post the article from their 2 Oct, 2015 edition, page 7.

- On September 14, PVFC participated in the Stephan L. Mace golf tournament, recognizing the Army Specialist who gave the last full measure of devotion to his country. On behalf of the PFVC family we thank all of those who have served, who will serve and who sacrificed their lives so we could be free.
- September saw the end of the monthly 'Sundaes on Saturday' event for 2015. Over 700 people visited the station over four occasions for ice cream and to see demonstrations of firefighting and to learn about volunteering in our community.
- Fire Prevention Week in 2015 is October 4-10. To mark the occasion, the Chief of the Loudoun County Combined Fire-Rescue System and the President of the Purcellville Volunteer Fire Company read to twenty-five children and their parents at the Purcellville Library on Tuesday 6 October. Pretty impressive that Chief W. Keith Brower, Jr. and President Brad Quin could take time out of their busy day to press the fire safety message. Also impressive that the book read was co-authored by Chief Brower and is one in a series of children's' books focusing on key issues like health and safety. This one was devoted to fire safety. The kids seemed to enjoy learning about fire protection and certainly liked climbing on the apparatus.
- The annual Open House to kick off Fire Prevention week was cancelled due to the threatening weather forecast. It has not been rescheduled at this point in time.

Key Fire Service Facts

2.5 miles – the total length of hose carries by the companies apparatus or kept in reserve in the station

\$1.2 million – the cost of the company's new tower ladder truck before equipment is added

\$27,000 – the annual cost of property and personal insurance the company purchase to protect its volunteer members and equipment

1 minute – the elapsed time it takes for fire to double in size if provided with fuel and extinguished

730 – the number volunteer hours a company member spends on duty crew obligations (12 hours every 6 days) over the course of one year. All training is in addition to that commitment.

Respectfully Submitted

Bradley J. Quin
President/Membership Chair

September/October 2015

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STAFF REPORT
INFORMATIONAL ITEM

Item # 9.c.iii.

SUBJECT: Purcellville Citizens Support Team Monthly Update

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Dawn Mabe, President and James Taylor, Vice President

BACKGROUND:

During the month of September, in addition to our regular monthly meeting, the following events were held:

1. Winchester Safety Day on September 12th. Three members of the support team took the barrel train over to Winchester and gave rides.
2. Drug Take Back on September 26th was a great success with 4 support team members participating.

During the month of October, in addition to our regular meeting held on the 14th, the support team assisted with the Purcellville Treasure Sale on the 10th.

Upcoming events for October:

Our next event will be on October 30th which is the Halloween Block Party on 21st Street.

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STAFF REPORT
INFORMATION ITEM

Item #9.c.iv.

SUBJECT: Purcellville Police Dept. Monthly Report

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Chief Cindy McAlister

BACKGROUND:

The police department crime report and calls for service is provided to Town Council monthly as an informational item.

ATTACHMENT(S):

1. Report for September 2015

TO: Town Council
FROM: Chief Cynthia McAlister *CM FOR CHIEF*
SUBJECT: Police Department Crime Report & Calls for Service
DATE: October 22, 2015
FILE: Monthly Report

The Police Department activity report for the month of September 2015 for your review is as follows:

TOTAL MONTHLY CALLS FOR SERVICE				1,490	
Criminal Offenses	# of Offenses	Closed By Arrest	Other Closure	Active	Inactive
Simple Assault	5	1	3	1	
Intimidation	1			1	
Burglary/Breaking & Entering	1				1
All Other Larceny	4				4
Destruction/Damage/Vandalism of Property	7		1	1	5
Drug/Narcotic Violations	2			2	
Curfew/Loitering/Vagrancy	1				1
Disorderly Conduct	3	1	2		
Driving Under the Influence	2	2			
Drunkenness	1			1	
Family Offenses, Nonviolent	2				2
Trespass of Real Property	3		2		1
TOTAL	32	4	8	6	14
**All Other Offenses	54				

***All Other Offenses could include injured deer put down. Animal complaint & civil disputes, etc...

<i>Traffic Violations Charged or Issued</i>	#
Driving Under the Influence	2
Defective/Unsafe Equipment	6
Light Law-Time Dis. Factor	2
Light-Fail To Dim	1
Fail To Carry Regular/Operators License	2
Expired Rejection Sticker	2
Driving W/O Operators License	2
Driving with Suspended/Revoked License	2
Expired Registration	4
Tags-Improper Display Of	2
Fail To Obey Stop/Yield Sign	11
Highway Sign-Fail To Obey	10
Signal Light Violation	1
Passing Stopped School Bus	1
Reckless Driving- General	3
Reckless-20 MPH Over Limit	2
Speeding	4
Speeding-25 MPH Zone	5
Speeding-35 MPH Zone	1
Cross/Yield To Pedestrians	1
TOTAL TRAFFIC SUMMONS/ENFORCEMENT	64
<u>Specific Traffic Summons</u>(included in total traffic summons/enforcement)	#
PURCELLVILLE RESIDENT SUMMONS	5
NON-RESIDENT SUMMONS	64

Non-Traffic Related Summons

#

Refusal of Tests	1
Public Swearing Or Intoxication	2
Disorderly Conduct	1
Assault & Battery	1

TOTAL NON-TRAFFIC RELATED SUMMONS 5

Destruction/Damage/Vandalism of Property

9/1 – 600 block Dominion Terrace-Windshield and front passenger window punched out

9/2 – 600 block Dominion Terrace – Bench with potted plants kicked over onto complainants patio

9/6 – 100 block North 21st St – Unknown person attempted entry into building damaging door knob

9/7 – 100 block Maple Ave – Manager of business reports unknown person(s)carved into seat of bench a person with a cigarette and the letter

9/8 – 700 block Woodenbridge – Home owner noticed that their son's kayak had been stolen from under the deck where it was stored

9/10 – A street west of Maple – Unknown suspect(s) cut the sidewall of 1 tire on sign trailer

9/13 – 600 block Main ST – Owner returned to vehicle to find that one tire slashed along with inner pin and stem removed

TRAINING

September 28 – October 2, 2015 3 officers attended Bike School:

CPL Paul Kakol

CPL Clark McDaniel

Officer Ryan McGann



STAFF REPORT
INFORMATIONAL

Item #11.c.i.

SUBJECT: Tax Collection Update & Collection Processes Information

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Connie LeMarr, Asst. Director of Finance
Elizabeth Krens, Director of Finance

SUMMARY and RECOMMENDATIONS:

Finance is providing an update of tax collections and an overview of the processes used for collecting delinquent accounts.

BACKGROUND:

Pursuant to Virginia Code §58.1-3921 - 3922, a detailed list of delinquent taxpayers and tax amounts is required to be provided to the Town Council that speaks as of June 30th each year. The June 30, 2015 list reflected balances due of \$60,354.46 for real estate tax and \$170,085.59 for personal property tax.

Although the June 30th list is required by law, the most recent tax bills are less than thirty days in age. There is also insufficient time to issue delinquent tax notices and process payments and adjustments generated by these notices. Therefore, Finance provides Council with a collection analysis in the fall.

ISSUES:

Report is informational and does not require Council action at this time.

BUDGET IMPACT:

None

MOTION(S):

None

ATTACHMENT(S):

1. October 2015 Property Tax Collection Analysis
2. Background Information on Collection Processes



Property Tax Collection Analysis

October 2015

Real Estate Tax					
Tax Year	Total Amount Billed	Total Due @ 10/21/15	% Collected 10/21/15	Total Due @ 10/31/14	% Collected 10/31/14
2013 1st	1,344,420.19	349.57	99.97%	751.87	99.94%
2013 2nd	1,344,361.88	349.57	99.97%	3,407.97	99.75%
2014 1st	1,340,398.89	1,689.92	99.87%	15,144.60	98.87%
2014 2nd	1,340,397.89	878.81	99.93%		
2015 1st	1,492,852.00	10,715.45	99.28%		
Total Principal		\$ 13,983.32		\$ 19,304.44	

Personal Property Tax					
Tax Year	Total Amount Billed	Total Due @ 10/21/15	% Collected 10/21/15	Total Due @ 10/31/14	% Collected 10/31/14
2009	283,973.00	-	100.00%	3,221.22	98.87%
2010	319,036.64	3,501.31	98.90%	3,730.98	98.83%
2011	383,180.90	3,841.07	99.00%	4,087.81	98.93%
2012	395,634.86	5,901.24	98.51%	6,472.02	98.36%
2013	422,435.05	4,521.55	98.93%	6,624.65	98.43%
2014	431,752.24	6,547.44	98.48%	19,455.19	95.49%
2015	438,527.49	27,257.89	93.78%		
Total Principal*		\$ 51,570.50		\$43,591.87	

*VA Code allows 5 year collection for personal property tax. The 2010 tax year will remain collectable until 12/5/2015 when those accounts will be written off as uncollectable per VA code.

Background Information on Collection Processes

Treasurer Liens:

58.1-3952 allows the Treasurer to collect taxes more than 30 days delinquent from a third party that owes money to the delinquent taxpayer. This is an administrative remedy and court action is not required. The Treasurer has used the following third party liens in the past for all types of delinquencies based on a review of each case:

- Tenant Rent Lien
- Bank Account Lien
- Wage or Employer Lien
- Credit Card Receipts Lien
- Customer Lien

Real Estate Tax:

Real estate tax is based on County assessments for all real property within the Town as of January 1 each year. This tax is levied semi-annually in May and November, due June 5 and December 5. Code of Virginia 58.1-3340 provides that real estate taxes constitute an automatic, priority lien against the property for which they are assessed. This lien follows the property and is the responsibility of the purchaser at the time of sale. Mortgage companies tend to clean up of any delinquent taxes quickly following notices. However, it is not uncommon to see multiple years of delinquent taxes for cases involving estates or mortgage defaults.

- Current collection status: The Town's oldest delinquent real property account is for 1st half 2013.
- 10% penalty and 10% interest per annum is applied to all delinquent tax accounts.
- 58.1-3940 provides a **20** year statute of limitations on collections of real property tax.
- Delinquent notices are mailed after all payments are processed and then typically 30 days later another delinquent notice is mailed. All subsequent real estate bills will reflect the delinquent balances as well.
- Treasurer Liens are employed depending on circumstances of the delinquent account.
- 58.1-3938 requires the Town Treasurer to provide a list of delinquent real property tax accounts to the County Treasurer each year. Staff participates with the County on tax sales associated with properties over 2 years in delinquency (typically longer period before the County takes action). The Bill in Equity process is fairly involved per requirements in 58.1-3965. Special legal assistance would be required if the Town moved forward without the help of the County.
- Finance provides a monthly report of real property delinquencies to Community Development as zoning ordinances require tax accounts to be current before permits are released.

Personal Property Tax/Vehicle License Fee:

Personal property tax is based on County assessments for all tangible property (vehicles, business property) within the Town as of January 1 each year. This tax is levied annually in May, due June 5.

- Current collection status: Over 98% of prior year levies have been collected.
- 58.1-3940 provides a **5** year statute of limitations on collections of personal property tax.
- 10% penalty and 10% interest per annum is applied to all delinquent tax accounts.
- Delinquent notices are mailed after all payments are processed and then typically one to two additional notices are mailed prior to collection action. All subsequent personal property bills will reflect the delinquent balances as well.
- The Department of Motor Vehicles, Vehicle Registration Withholding Stop Process (DMV Stops) program requires debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration of the current vehicle registration and at the address maintained by DMV. All delinquent notices mailed include language about the Town's use of DMV stops.

- DMV Stops allows Finance staff access to confidential vehicle and taxpayer information. There are stringent security protocols required of all users. Once a DMV stop is placed on a taxpayer's social security number or driver's license number the DMV Commissioner will refuse to issue or renew all vehicle registrations associated with that taxpayer as per 46.2-752. DMV stops remain in effect for two years after which staff must resubmit stops.
- All delinquent taxes and fees must be paid in full by cash, money order, certified funds, or credit card (no checks accepted) prior to the release of the DMV stop. Release of the DMV stop is required within 24 hours of receipt of payment in full.
- If a DMV stop is placed, the account is billed an additional \$40 administrative fee (DMV \$20 & Town \$20). Currently DMV stops are not placed on balances below \$50.00 however staff would like to discuss reducing this limit for future stops. Many localities place DMV stops on all delinquent balances regardless of value.
- It should be noted that often taxpayers do not correct their residence on DMV or County records resulting in tax assessments for property no longer held with Town limits. Staff works with taxpayers to correct this information but it is likely our delinquent list includes accounts for property no longer taxable in Town.
- The first DMV stops were placed in May 2011.
- As the DMV stop process is more efficient, we limit the use of a collection agency. Collection agencies typically retain 30-40% of amount collected and require the Town to cease collection efforts including DMV stops.
- Treasurer Liens are employed depending on circumstances of the delinquent account.
- It is also extremely difficult to collect business personal property from a company that is no longer in business.
- We currently do not use distress (seizure and sale of property to satisfy a tax debt) due to the relatively low dollar amount of the bill versus the cost of employing this collection action.

Meals Tax:

Meals tax is a trust tax in which the food provider (restaurant or store) collects a 5% tax on prepared food for the Town. If the business pays timely (on or before the 20th of the following month), they are allowed to retain 5% of tax.

- 10% penalty is applied to all delinquent tax accounts.
- Notices:
 - If the business fails to pay timely, staff issues a reminder notice.
 - If they fail to submit a return and payment within 10 days of the first notice, staff will send via certified mail a final notice with statutory tax assessment based on previous sales history. The final notice includes excerpts of the Town Code regarding "Sec. 74-87. Collections in trust for town" and "Sec. 74-95. Penalty for violation of ordinance". They will be given an addition 10 days to pay or establish a payment plan prior to addition collection action by staff.
 - In addition, a letter of personal liability is sent to the business owners pursuant to VA Code §58.1-3906.
- Staff also makes a courtesy phone call or email to reach out to the business/owners.
- If they fail to make payment or establish a payment plan, staff will review the case for additional action:
 - Treasurer's Lien
 - Distress- Ex: seizure of property via stickers placed on property at business location; seize money from the cash register; seize vehicles.

Business License Tax:

All businesses operating in Purcellville are required to complete a business license application and pay the tax (based on the previous year's gross receipts) by March 1 every year. New businesses must file prior to opening

and before issuance of zoning occupancy permit. Following payment, the Town will issue a business license that is required to be displayed in the place of business.

- 10% penalty is applied to all delinquent tax accounts.
- Notices-
 - If the business fails to pay timely, staff issues two rounds of delinquent reminder notices including notification of the 10% late penalty. This is usually done in April and July depending on staff workloads (June is busy real/personal tax collection month). It should be noted that many businesses are unable to complete their application until their accountant completes and files their tax reports.
 - Before the statutory assessment letters are processed, staff attempts contact via courtesy phone calls or emails to in-town based businesses.
 - If the business is still delinquent in August, staff will issue a final notice that includes a statutory assessment based on prior year's reported receipts + 20% escalation factor. The tax due will also include the 10% penalty. They will be given an addition 10 days to pay or establish a payment plan prior to the court action.
- If they fail to make payment or establish a payment plan, staff will review the case for additional action:
 - Treasurer's Lien
 - Court Action
 - Distress

Utility Accounts:

Utility water and sewer accounts are billed bi-monthly (Feb, Apr, Jun, Aug, Oct, Dec) and are due the first of the following month.

- Current collection status: The Town's utility account collection rate of 99.8% is strong as service is disconnected for unpaid accounts ten days after the due date. No write offs were taken to Council in FY15.
- Code of Virginia Sections 15.2-2119 and 15.2-5139 requires up to five months deposit. The Town has opted for the lesser three month deposit based on the monthly average water bill. Currently the deposit is \$300 for **all** accounts. Property owners with at least two years prior good payment history may request a deposit waiver from the Director of Finance.
- If the account is active, it is disconnected accordingly:
Bill (30days) ► Disconnect Notice (10 days) ► Cut-off service/full payment required to reconnect
- If the account is inactive or "finaled", the system will issue a final bill payable within 15 days after applying any applicable deposit. If the customer fails to pay, staff will issue a series of notices.
 - In cases of renters, a letter and copy of the tenant final bill will be issued to the property owner. According to Town Code Sec. 82-84. – "Responsibility for use" the property owner is liable for water and sewer services and shall constitute a lien against the property.
 - Depending on circumstances, the Treasurer may decide to send the account to collections.
- Staff completes a bi-monthly review of all outstanding balances to determine collection action. It should be noted that staff makes every effort to collect the amounts due prior to submission to the collection agency or write off recommendation.
- Collection is more difficult when customer accounts change hands quickly and additional action is sometimes required against the landlord or property owner. Unfortunately, in cases of property sale, staff rarely has enough time to seek a lien on the property prior to settlement. In those cases, our only recourse is against the prior owner.
- Property Liens: When staff is aware of vacant/inactive properties (estates/foreclosure/abandonment/renovating property) staff will place liens with the Loudoun County Clerk of the Court for unpaid balances. Liens are also placed against delinquent sewer only accounts

since disconnection of service is not possible. Lien amounts are updated to reflect minimum billing charges that accrue over time.

- Town Code Sec 82-77 and Sec. 82-166 require minimum charges be assessed for each water/sewer connection so staff must bill an active property owner between tenants, sales, and foreclosures. Staff uses the Loudoun County real estate tax scrolls to determine ownership and often must track contact information if a new owner/tenant has not applied for new utility service with the Town.

Utility Collections Policy:

1. **Delinquent Account Notice-** The Finance Department will notify customers of delinquent balances via system generated notices a minimum of every 30 days for 180 days.
2. **Collection Agency-** The Finance Department will submit all utility accounts over 180 days and \$50.00 to the Town's collection agency for collection action. Per our contract with Mohr Collections, the Town's collection activity will end while they are actively pursuing collection.
3. **Write Off of Bad Debt under \$50.00-** The Finance Department will prepare a listing of all accounts over 180 days and under \$50.00. This listing will be submitted to the Town Manager for approval to write off as a bad debt.
4. **Write Off of Bad Debt over \$50.00-** The Finance Department will prepare a listing of all utility accounts over \$50.00 and 360 days of age in which all collection action has failed. This listing will be submitted to the Town Council for approval to write off as a bad debt.



STAFF REPORT
INFORMATION/ACTION

Item # 11.c.ii.

SUBJECT: 2015 Business License Analysis

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Connie LeMarr, Assistant Director of Finance
Elizabeth Krens, Director of Finance

SUMMARY and RECOMMENDATIONS:

Enclosed are the yearly analytical reports for business licenses. If further discussion and possible rate changes are under consideration a public hearing must be scheduled after notice in newspaper. Rate changes may be adopted same day as public hearing. Staff does not have any recommendation for specific rate changes at this time.

BACKGROUND:

Each year the Finance department provides a business license analysis for Town Council review and discussion. All data is presented in aggregate as disclosure of individual business data is prohibited by VA Code § 58.1-3.

ISSUES:

In order to change license rates for 2016 a public hearing is required and rates must be adopted by December 31, 2015. The earliest public hearing date is Nov. 24, 2015 with additional Town Council meetings of Dec. 8th and 22nd for public hearing and/or action.

BUDGET IMPACT:

Revenue projections are provided for business category rate increases allowable however there is no budget impact unless Town Council adopts new license rates.

MOTION(S):

“I move that Town Council approve no changes to the existing business license rates for 2016.”

OR

“I move that Town Council members review the attached analysis and direct staff to add this item to the November 10, 2015 Council meeting for further discussion.”

OR

“I move that Town Council members review the attached analysis and direct staff to advertise a public hearing for the (*Nov. 24 or Dec. 8 or Dec. 22, 2015*) Council meeting to change the following rates:
(*List Rate TYPE & Proposed RATE*).”

ATTACHMENT(S):

1. Business License Year to Year Revenue Comparison with graphs
2. BPOL Rate Comparison by Locality & Code of VA Limitations with Revenue Projection of .01 cent increase to rates
3. Town of Purcellville Business License Rate History

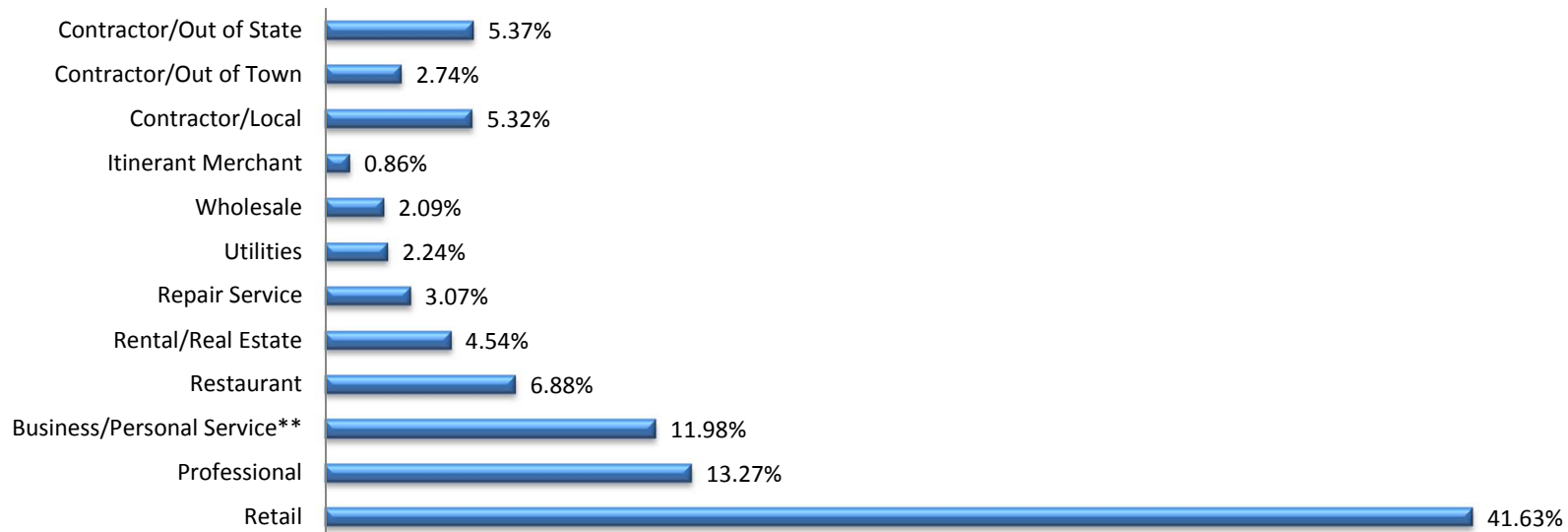
TOWN OF PURCELLVILLE
Business License Year to Year Revenue Comparison
As of 10/15/2015

Business Type	Historical					Current Analysis		Revenue % of change 2014 to 2015	Category % of Total 2015 Revenue
	2009 Tax	2010 Tax	2011 Tax	2012 Tax	2013 Tax	2014 Tax	2015* Tax		
Retail	227,605	223,857	230,979	256,458	276,200	291,922	290,095	-0.63%	41.63%
Professional	58,697	62,663	67,766	73,359	84,758	87,652	92,492	5.52%	13.27%
Business/Personal Service**	87,367	89,882	84,804	97,452	99,150	95,348	83,481	-12.45%	11.98%
Restaurant	30,028	30,369	29,027	34,243	41,392	42,995	47,970	11.57%	6.88%
Rental/Real Estate	13,586	17,544	20,020	28,986	38,096	32,132	31,619	-1.60%	4.54%
Repair Service	16,422	19,550	24,762	23,496	23,877	24,084	21,392	-11.17%	3.07%
Utilities	10,182	19,836	19,262	18,459	17,384	17,298	15,614	-9.73%	2.24%
Wholesale	8,704	7,064	5,007	9,485	10,047	17,024	14,584	-14.33%	2.09%
Itinerant Merchant	3,000	2,000	3,000	4,000	2,500	5,050	6,000	18.81%	0.86%
Regular License Total	455,591	472,765	484,627	545,939	593,404	613,504	603,247	-1.67%	86.57%
Contractor/Local	19,968	13,200	16,874	21,283	30,676	32,051	37,078	15.69%	5.32%
Contractor/Out of Town	26,143	28,441	33,394	23,333	35,795	18,001	19,073	5.95%	2.74%
Contractor/Out of State	83,457	63,845	26,334	19,152	25,794	8,186	37,419	357.13%	5.37%
Contractor License Total	129,568	105,486	76,602	63,767	92,265	58,238	93,571	60.67%	13.43%
Grand Total License	585,159	578,251	561,229	609,706	685,669	671,742	696,817	3.73%	100%

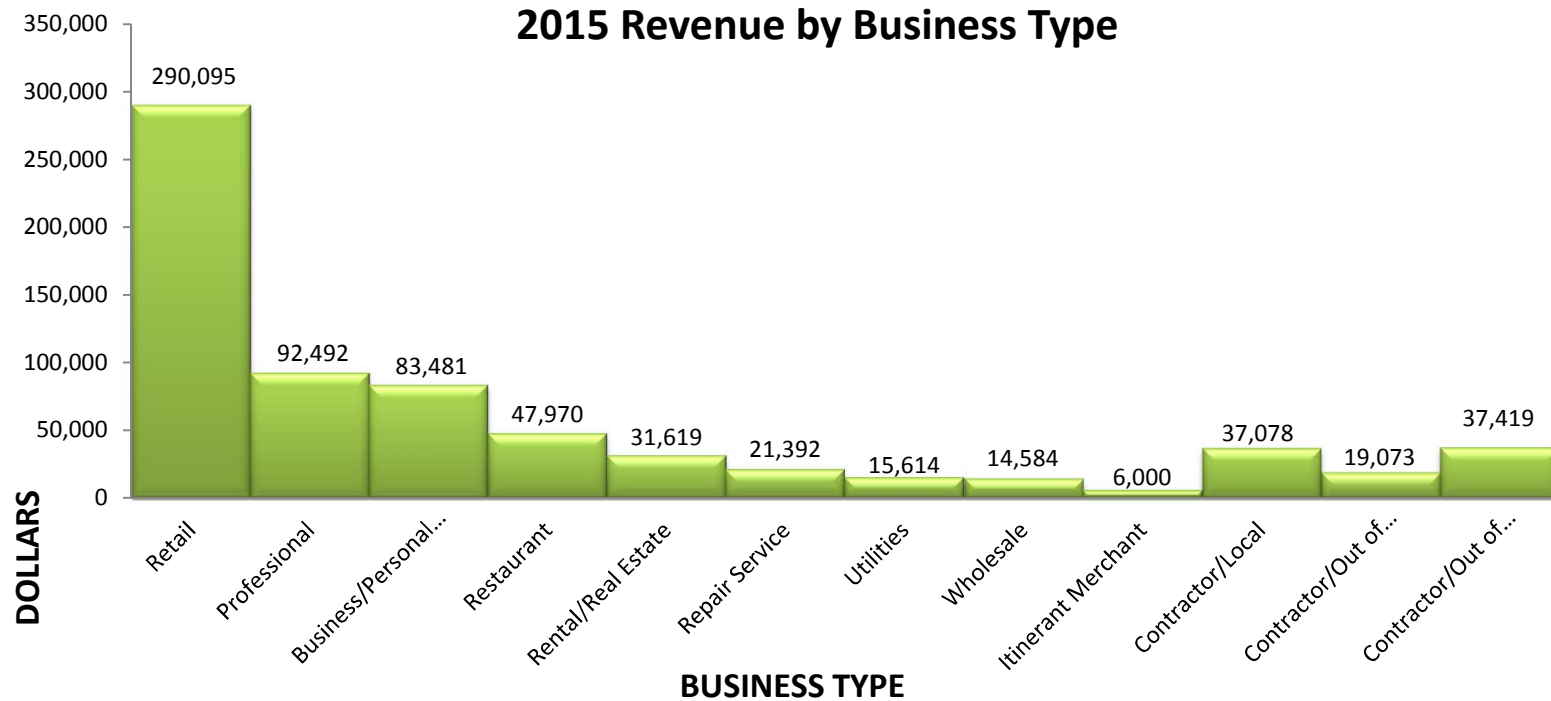
*as of 10/15/15

**Money Lending grouped with Business/Personal Service since only one business in Town

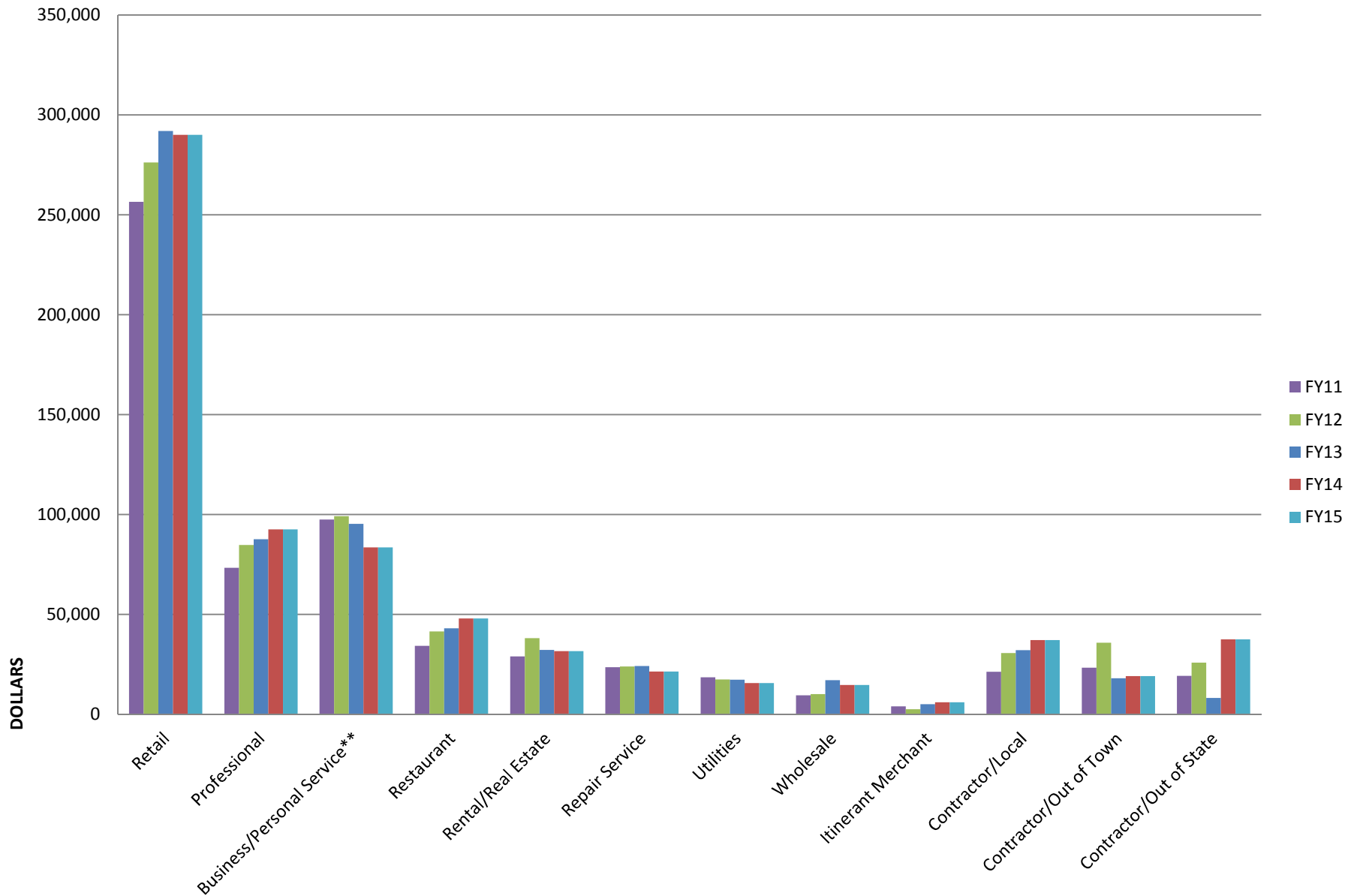
% of 2015 Revenue by Business Type



2015 Revenue by Business Type



Five Year Tax Revenue Collected by Business Type



**BPOL Rate Comparison by Locality & Code of Virginia Limitations
Revenue Projection of .01 cent increase to rates**

Category	Code Rate Limits	Leesburg	Lo. County	Purcellville	Purcellville 2014 Receipts	Purcellville 2014 Tax	\$.01 rate increase projection		
							\$0.01 Rate Increase	Calculated Total Tax Revenue	Incremental Revenue Increase
Minimum License Fee	30.00	20.00	30.00^	20.00					
<i><u>Tax per \$100 gross receipts:</u></i>									
Retail	0.20	0.10	0.17	0.17	171,454,438	291,922	0.18	308,617.99	\$ 16,695.81
Business Service*	0.36	0.20	0.17	0.17	55,387,261	95,348	0.18	99,697.07	\$ 4,349.39
Personal Service*	0.36	0.20	0.23	0.17			0.18	-	-
Professional	0.58	0.20	0.33	0.17	51,382,785	87,652	0.18	92,489.01	\$ 4,836.72
Restaurant	0.20	0.10	0.17	0.17	25,147,795	42,995	0.18	45,266.03	\$ 2,271.09
Rental by owner	0.36	n/a	0.16	0.17	18,879,528	32,132	0.18	33,983.15	\$ 1,850.96
Repair Serv.	0.36	0.15	0.16	0.17	14,166,843	24,084	0.18	25,500.32	\$ 1,416.69
Public Utilities	<i>0.50</i>	0.50	0.50	0.50	3,531,792	17,298	<i>0.50</i>	17,297.80	-
Wholesale	<i>0.05</i>	0.075	0.05	0.05	34,037,211	17,024	<i>0.05</i>	17,023.76	-
Money Lenders**	0.58	0.16	0.16	0.17			0.18		
Building Contractors	0.16	0.10	0.13	0.14	41,265,355	58,238	0.15	61,898.03	\$ 3,660.09
Hotel	0.36	0.23	0.23	0.17			-	-	-
Massage Therapy	0.36	0.20	0.23	0.17			-	-	-
Amusements		0.25	0.21	n/a				-	-
<i><u>Flat Tax Rates:</u></i>									
Fortune Tellers	1,000.00	500.00	500.00	500.00		-	-	-	-
Carnivals (per Show)	1,000.00	n/a	n/a	500.00		-	-	-	-
Itinerant & Peddlers	500.00	250.00	500.00	500.00		5,050.00	-	5,050.00	-
Total					415,253,008	671,742		706,823	\$ 35,080.75

NOTES:

Projection based on 2014 receipts as 2015 data is not yet complete

Code limits per Code of Virginia 58.1-3703, 3706, 3720, 3721, and 3728. **Rates in Italics already at code maximum.**

Leesburg and the County are under different limitations due to their populations. Both also include additional flat tax rates for ABC/Mixed Beverages and coin operated amusements machines. And both license restaurants under the retail category.

*Business Service & Personal Service are combined in our system.

**Money Lenders receipts/tax revenue grouped with Business/Personal Service for reporting since only one business in town.

^Loudoun County has a fixed license fee of \$30 for gross receipts under \$200k and no fee for home based businesses with receipts under \$4k.

Town of Purcellville

Business License Rate History

Business License:

Tax Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Building Contractor	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14
Retail	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Restaurant	0.19	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Financial	0.19	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Real Estate	0.19	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Professional	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Repair	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Personal Serv	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Business Serv	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Wholesale	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05
Rental/by Owner	0.19	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Public Utilities	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Hotel Motel	n/a	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Massage Therapy	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Direct Sellers >4k	0.19	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17	0.17
Carnivals/Amus	n/a	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr
Fortune-teller	n/a	n/a	n/a	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr
Itinerant Vendor	250.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr	500.00/yr
Coliseum, Arenas	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1000.00/yr	1000.00/yr	1000.00/yr	1000.00/yr	1000.00/yr
Savings & loan, credit union	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	50.00/yr	50.00/yr	50.00/yr	50.00/yr	50.00/yr
Photographer-non VA local												30.00/yr	30.00/yr	30.00/yr	30.00/yr	30.00/yr
Manufacturer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minimum License Fee:	\$10 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min	\$20 min

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STAFF REPORT
INFORMATION ITEM

Item #12.b.i.

SUBJECT: Personnel Update

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Sharon Rauch, Human Resources Specialist

BACKGROUND:

This report is provided to Town Council monthly and provides an over view of the Town's current staffing and staffing needs.

ATTACHMENT(S):

1. Report – October 2015

TOWN OF PURCELLVILLE			
Personnel Update -As of October 21, 2015			
Total Budgeted Positions:	80		
Total Filled Positions:	76		
Total Current Full-time EEs:	67		
Total Current Part-time EEs:	10		
Total Current Employees:	77		
Total Leave of Absence:	0		
Total Promotions:	0		
Total Transfers:	0		
Total Resign/Retire/Invol:	1	Jessica Aydelotte Police Department	
Total Open Positions:	1		
New Hires	0		
OPEN POSITIONS			
ADMINISTRATION			
No openings			
FINANCE			
No openings			
COMMUNITY DEVELOPMENT			
No openings			
POLICE DEPARTMENT			
Position Title	Budget	Filled/Vacant	Status
Police Officer	Replace	Vacant	Recruiting
INFORMATION TECHNOLOGY			
No openings			
PARKS AND RECREATION			
No openings			
PUBLIC WORKS/ADMINISTRATION			
No openings			
PUBLIC WORKS/ENGINEERING			
No openings			
PUBLIC WORKS/MAINTENANCE			
No openings			

PUBLIC WORKS/WATER			
No openings			
PUBLIC WORKS/WASTE WATER			
Position Title	Budget	Filled/Vacant	Status
Lab Technician PT	Replace	Filled	Brian Brown replacement
Lab Technician FT	Replace	Filled	Susan Davis replacement

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STAFF REPORT
INFORMATIONAL ITEM

Item #12.b.ii.

SUBJECT: Performance Appraisal Process for Town Manager

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

SUMMARY and RECOMMENDATIONS:

The Town of Purcellville has been operating with a performance evaluation process between the Town Manager and Town Council that was modified in 2007. At the time, the Town Council developed an annual evaluation instrument that would allow the Town Council to review the performance of the employee annually with a recommended deadline of no later than March 1, subject to a criteria and format for the evaluation that shall be mutually agreed upon by the employer and employee. This process, as agreed to in the employment agreement, would at a minimum include opportunity for both parties to:

- 1) Prepare a written evaluation
- 2) Meet and discuss the evaluation
- 3) Present a written summary of evaluation results

A copy of the evaluation process that was adopted by the Personnel Committee and used by Town Council is included under *Attachment I*. In order to prepare for the evaluation, the Council had asked that the Town Manager prepare a summary of the year's work projects and accomplishments that could be used as a baseline for the Council to complete the evaluation. This document was usually presented to Council before February of each year and included the evaluation which gave the Town Council over a month to complete. While the Town Manager has received excellent daily and periodic feedback from the different Councils during the twenty-three year period, participation in the evaluation process by Town Council was normally around thirty percent in most years.

ISSUES:

Members of current Council have requested an opportunity to look at this process and determine whether it is still the best process for the Town Council and Manager moving forward. As a result, this item was requested to be placed on the Town Council agenda for future discussion.

BUDGET IMPACT:

Performance appraisals are built into the work plan and budget so there no additional fiscal impacts in continuing or expanding this program within reasonable guidelines established by the Town Council.

MOTION(S):

As directed by Town Council

ATTACHMENT:

1. Town Manager Evaluation form used between Town Council and Town Manager since 2007.

Date _____

Town Manager Evaluation

Key Duties: _____

Major Contributions and Progress on Performance Goals: _____

Progress towards Past Developmental Goals: _____

Comments on Council and Town Manager Interaction and This Evaluation Process:

Town Manager Evaluation Form

Name: _____ Date of Review: _____

Council Member: _____ Date of Last Review: _____

<u>Rating</u>	<u>Exceeds Expectations</u>	<u>Fully Exhibits</u>	<u>Building Competency</u>	<u>Does Not Exist</u>	<u>Not Observed</u>
	1	2	3	4	5


A. BASIC SKILLS

	1	2	3	4	5	Dev
1. Establishes and maintains appropriate interpersonal relationships with Council and Staff.						
2. Maintains appropriate communication with Council and Staff.						
3. Keeps Council informed of pertinent information.						
4. Ensures preparations are made for committee meetings.						
5. Effectively and Efficiently Handles Citizen Complaints.						

Observations: _____

Developmental Activities: _____

	1	2	3	4	5	Dev
1. Provides direction and intent to staff						
2. Sets goals and monitors staff projects						
3. Practices effective problem solving strategies						
4. Identifies needs/opportunities and provides for staff development						
5. Is sensitive to the needs of a diverse workforce and actively supports diversity in the workplace						
6. Practices effective time management strategies						
7. Resolves staff disputes in a timely and fair manner						
8. Practices active listening skills						
9. Conducts a thorough analysis of problems encountered						
10. Produces clear and concise written communications						
11. Organizes thoughts and conveys them clearly in oral communication						



Town
of
Purcellville
Virginia

[illegible]

C. FUNCTIONAL SKILLS

	1	2	3	4	5	Dev
1. Establishes and maintains high quality standards in own work						
2. Adheres to, supports and refines as needed town policies and procedures						
3. Sets clean, definable goals and completes assignments in a timely manner						
4. Understands the budget process and uses skills to efficiently formulate and manage an annual budget						
5. Handles correspondence in a sensitive and timely manner						
6. Ensures that all laws, ordinances, resolutions, and the by-laws of the municipality are faithfully executed						
7. Possesses broad knowledge of:						
i) Public Personnel Policies						
ii) State Laws governing the operations of local government						
iii) Public Administration Policy and program development						
iv) Economic Development practices						
v) Grant Development process						
8. Develops plans for adequate professional growth on a biannual basis						

Observations:



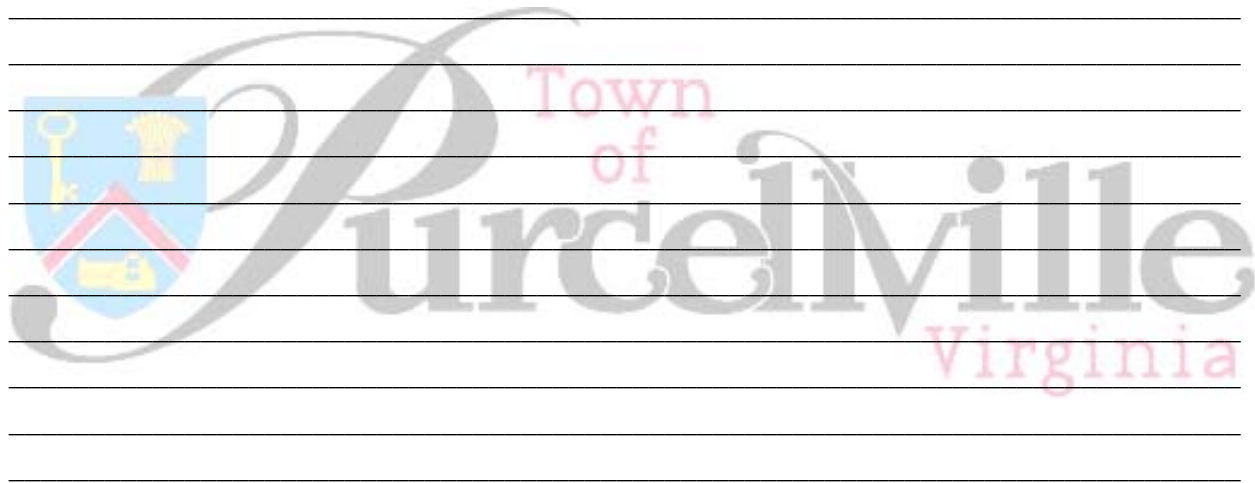
Town of Purcellville Virginia

Developmental Activities:

D. CORE SKILLS

	1	2	3	4	5	Dev
1. Brings a flexible, adaptable attitude to work						
2. Possesses a strong work ethic						
3. Displays and models professionalism in all aspects of work						
4. Conducts Town affairs in a professional and ethical manner						
5. Provides counsel and expert advice to Council						
6. Demonstrates responsiveness to Council members						
7. Demonstrates a customer service orientation						
8. Treats Council members, citizens, peers, and staff with respect						
9. Treats Council members, citizens, peers, and staff fairly						
10. Is dependable and trustworthy						

Observations: _____



Developmental Activities: _____

Town Manager Evaluation

Overall Assessment: _____

Overall Observations: _____

Recommended Performance Goals: _____

Town Council Member (signature)

I acknowledge receipts and discussion of this assessment of my performance.

Town Manager (signature)

I ☐ intend ☐ do not intend to attach comments regarding this evaluation.

Town Manager's Comments

SUPPORT NEEDED – What type of assistance, guidance, or support do you need from Council to improve your job related performance in the future?

[illegible]

DEVELOPMENT AND TRAINING – Describe any development activities you feel are needed to assist in maintaining or improving you ability to perform in this position.

Virginia

Date: _____

Town Manager's Signature

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STAFF REPORT
ACTION ITEM

Item # 14.a.i.

SUBJECT: Amendment of Town's Annexation Process

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Sally G. Hankins, Town Attorney

RECOMMENDATION

I recommend that Town Council adopt the revised *Town of Purcellville Process for Annexation* as it is attached to this Staff Report. It has been reviewed by the Loudoun County Attorney.

SUMMARY

On January 27, 2015, the Town Council adopted the *Town of Purcellville Process for Annexation*. Since that time, implementation of the Town's adopted process has prompted a request for revision to the process from Loudoun County. In accordance with the County's request, the Town Council at its meeting on September 22, 2015, directed staff to amend the Town's *Process for Annexation* such that the Town will fully evaluate the land use considerations and decide upon a final annexation proposal prior to delivering an annexation request to Loudoun County for consideration. The attached redline of the *Town of Purcellville Process for Annexation* reflects those changes, and the changes resulting from those changes, throughout the document.

Additionally, at the Town Attorney's initiative, the attached redline draft of the Town's *Process for Annexation* reflects a more detailed distinction between *Boundary Line Adjustment* and *Voluntary Settlement of Annexation* than was contained in the Process adopted in January of 2015. The Process for Annexation, as amended, now separates the description of those two processes and, whereas the original *Process for Annexation* referred to the Commonwealth's involvement, the amended *Process for Annexation* describes in more detail the role of the Commonwealth's Commission on Local Government under the Voluntary Settlement of Annexation.

Implementation of the *Process for Annexation* also brought to light other changes to the *Process for Annexation* that may be beneficial:

(A) The adopted *Process for Annexation* did not address minor adjustments to the municipal boundary that may be proposed independent of a plan for development. The attached redline draft shows amendments to the introductory paragraph that reflect the Town's ability to modify the *Process for Annexation* under such conditions.

(B) The adopted *Process for Annexation* did not require an applicant for annexation to notify the Town of a Community Briefing, so Section 1 has been amended to require that notice be sent to the Town Clerk.

BACKGROUND

1. At its meeting on October 28, 2014, Town Council requested that a process for accepting and reviewing Boundary Line Adjustment applications be prepared for Council review and possible adoption.
2. At its meeting on November 12, 2014, the Town Council requested that the Boundary Line Adjustment Process, as it was proposed by Staff at the Town Council meeting of November 12, 2014, be amended to include several changes. Town Council was advised by Staff that the proposed process had been sent to Loudoun County for comment and that such comments may warrant subsequent amendment of the annexation process.
3. At its meeting on November 25, 2014, Town Council was presented with a revised Process for Annexation that incorporated the requested changes, and had several questions. Town Council requested that Staff present the material regarding annexation in a way that shows the reasons the Town might select one method of annexation over another.
4. At its meeting on January 27, 2015, Town Council adopted the *Town of Purcellville Process for Annexation* subject to some minor modifications. Town Council was presented in its Staff Report with a chart comparing the various methods of annexation. Town Council was advised by Staff at this meeting that no comments had been received from Loudoun County.

BUDGET IMPACT

There is no budget impact with this item.

MOTION

I move that Town Council adopt the *Town of Purcellville Process for Annexation* as attached to this Staff Report.

ATTACHMENTS

1. *Town of Purcellville Process for Annexation*, presented to Town Council on October 27, 2015.
2. Redline comparing *Town of Purcellville Process for Annexation* as adopted on January 27, 2015 with the *Town of Purcellville Process for Annexation* as presented to Town Council on October 27, 2015.

Town of Purcellville **Process for Annexation**

Without limiting or amending the statutory processes by which annexations may occur, the following describes the process by which the Town of Purcellville will generally accept, review, and act upon applications for Annexation. The following process may be condensed or modified to the extent permitted by state law when the Town Council finds that the land area proposed for annexation results in a minor adjustment to the municipal boundary or when the reason for annexation is unrelated to a proposed development project.

1. **Community Briefing prior to Application.** A person desiring to file an application to annex property into the Town of Purcellville will first schedule and conduct a Community Briefing for the purpose of informing the public of the anticipated application and any proposed land development. The person desiring to file a Boundary Line Adjustment application must notify the public of the Community Briefing by (a) sending a letter (with a copy to the Town Clerk of the Town of Purcellville) by certified mail, return receipt requested, at least 15 days and no more than 30 days prior to the Briefing, to each property owner adjacent to the land proposed for Annexation and, if one or more of the adjoining properties belongs to a Homeowners' Association, then also to each affected Homeowners' Association, (b) placing a weatherproof placard that (i) is clearly visible from each public road abutting the property proposed for Annexation, (ii) measures at least 24" by 24," (iii) states, "Proposed Annexation – Community Meeting on [Date] - Call [phone number] for information," and (c) publishing an advertisement in a newspaper of general circulation in the Town of Purcellville that is authorized by the Loudoun County Circuit Court to publish legal notices, which advertisement shall state the date, time, and location of the Community Briefing, and shall describe the property proposed for Annexation by address, location, and parcel identification number. Said advertisement must first appear in the newspaper at least seven days prior to the Community Briefing. The applicant shall provide to the Town evidence that all required notices of the Community Briefing were completed. Such evidence is considered part of a complete Annexation application.
2. **Application Submission.** Applications for Annexation to adjust the jurisdictional boundary line between the Town of Purcellville and Loudoun County will be submitted to the Department of Community Development for processing. Applications will be accepted subject to an application fee, as such fee may be adopted by Council from time to time and reflected on the Town's Master Tax and Fee Schedule. The following application materials are required:

- a. A plat of the proposed boundary line adjustment that shows both a detail of the proposed boundary line adjustment and the boundary line adjustment in the context of the surrounding properties. The plat shall include the following information for the subject property and surrounding properties: zoning designation, existing use, parcel identification number, natural features, existing streets and driveways, and ownership information. This plat must be submitted in both digital and paper forms.
 - b. A description of the proposed project, including a concept development plan showing: (i) proposed land uses, (ii) the general location of proposed structures, (iii) a vehicular and pedestrian circulation plan, (iv) open space, (v) minimum and maximum proposed densities for each use, (vi) proposed Town zoning district(s), (vii) special amenities, and (viii) existing site features such as floodplain, steep slopes, and tree cover. The concept development plan and proposed project is not binding on either the applicant, or the Town.
 - c. A Statement of Justification, describing how the subject property is eligible for incorporation into the Town boundary under Virginia Code and how the proposed development will benefit the Town. The Statement of Justification should include a description of how the proposed development meets goals of the Town's Comprehensive Plan, and a proposed planned land use designation. The Statement of Justification should also describe how the land is planned and zoned under Loudoun County's plans and ordinances.
 - d. A traffic evaluation describing the capacity of surrounding roads, providing an estimate of existing traffic volumes (using available data to the greatest extent possible), and providing an estimate of the traffic generated by potential future land uses.
 - e. Evidence of a Community Briefing for which notice was provided as required herein.
3. Notification of Town Council and Loudoun County by Staff. The following persons will be notified of the Town's receipt of a Community Briefing notice letter, and notified again upon receipt of an application for annexation: all members of Town Council, the Loudoun County Administrator, the Blue Ridge District Supervisor, the Catoctin District Supervisor, and the Chair of the Loudoun County Board of Supervisors.
 4. Application Review by Staff. Once the Department of Community Development receives a complete application for Annexation, including evidence of the applicant's notice to surrounding neighborhoods and the applicant's published advertisement for a Community Briefing, the Department of Community Development will distribute the Annexation application for review and comment to all Town departments and VDOT. The Town

departments will evaluate the proposal for its impact on: (a) water and sanitary sewer capacity and infrastructure, (b) storm water, (c) emergency services, (d) recreational facilities, (e) tax revenues, (f) schools, (g) transportation infrastructure, (h) trash collection, snow removal, and other Town services, and will evaluate whether the proposal furthers goals set forth in the Town's Comprehensive Plan. Once these initial evaluations are complete, Community Development Staff will assess the various departmental evaluations, request additional information from the applicant as needed in order to finalize the evaluations, accept from the applicant any proposed revisions to address staff comments, and, finally, prepare a Staff Report to Town Council. The Staff Report will include a recommendation to either approve or deny the application for Annexation, and will describe what information, if any, would assist in further evaluating the application.

5. Town Council Briefing. Community Development Staff will present its Staff Report to Town Council at a public meeting.
6. Town Council Meetings. The Town Council will discuss at one or more of its regular public meetings the recommendations of Staff. The applicant should attend these meetings and be prepared to answer questions and provide requested information. Town Council may direct Staff to conduct further analysis, and may request that the application be amended.
7. Town Council Decision; Transmittal to Loudoun County. The Town Council will vote to either deny the annexation application, or to proceed with it. If the Town Council decides it would like to proceed with the annexation, then the Town will transmit the annexation application and related materials to Loudoun County with a request that Loudoun County commence work with the Town to reach an annexation agreement.
8. Negotiations. If the County agrees to work with the Town to reach an annexation agreement, the Town and County will negotiate the agreement and reduce it to writing.

If there are no conditions attached to the annexation by the Town or County, then the agreement will most likely take the form of a Boundary Line Adjustment Agreement under Va. Code 15.2-3106, and the following process will apply:

BLA-1 Staff Drafts a Boundary Line Adjustment Agreement AND a Water/Sewer Agreement. Town Staff will work with the County of Loudoun to draft a Boundary Line Adjustment Agreement. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing

the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

BLA-2 Public Hearing. The governing bodies of the Town and County will each hold at least one duly-advertised public hearing on the proposed Boundary Line Adjustment Agreement. Notice of the proposed agreement shall be served upon the owners of all parcels proposed to be incorporated into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

BLA-3 Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed Annexation. This vote will occur prior to a vote on the Boundary Line Adjustment Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

BLA-4 Council Votes to approve or deny the Boundary Line Adjustment Agreement. The Town Council will vote to either approve or deny the Boundary Line Adjustment Agreement. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

BLA-5 Process Duration. It is expected that a Boundary Line Adjustment Agreement could be processed within 12 to 15 months of receiving a complete application.

BLA-6 Circuit Court. If the Boundary Line Adjustment Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement.

BLA-7 Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the annexation application materials and referrals to the greatest extent possible.

BLA-8 Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council will prepare an amendment to the Comprehensive Plan that assigns a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

If there are conditions attached to the annexation by either the Town or County, then the agreement will most likely take the form of a Voluntary Settlement of Annexation Agreement under Va. Code 15.2-3400 et seq., and the following process will apply:

VSA-1. Staff Drafts a Voluntary Settlement of Annexation Agreement AND a Water/Sewer Agreement. Town Staff will work with the County of Loudoun to draft a Voluntary Settlement of Annexation Agreement. The agreement may address the following: fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements, infrastructure arrangements, revenue and economic growth sharing arrangements, arrangements for the joint exercise of powers, and such other provisions as the parties deem in their best interest. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

VSA-2. Commission on Local Government. The Town and County will present their proposed Voluntary Settlement of Annexation Agreement to the Commonwealth's Commission on Local Government. The Commission will review the proposed agreement and issue an advisory report to the localities that sets forth its findings and recommendations as to whether the proposed agreement is in the best interest of the Commonwealth. The Commission will issue its report within 6 to 8 months of receiving the proposed Agreement.

VSA-3. Revisions and Public Hearing. The Town and County will review the Commission's report and may elect to amend the proposed Voluntary Settlement of Annexation Agreement accordingly. Once the Agreement is finalized, the governing body of each locality will hold at least one duly-advertised public hearing on the Agreement prior to voting on the Agreement. Notice of the proposed Agreement shall be served upon the owners of all parcels proposed to be incorporated into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels

as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

VSA-4. Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed Annexation. This vote will occur prior to a vote on the Voluntary Settlement of Annexation Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

VSA-5. Council Votes to approve or deny the Voluntary Settlement of Annexation Agreement. The Town Council will vote to either approve or deny the Voluntary Settlement of Annexation Agreement. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

VSA-6. Process Duration. It is expected that a Voluntary Settlement of Annexation Agreement could be processed within 18 to 24 months of receiving a complete application.

VSA-7. Special Court. If the Voluntary Settlement of Annexation Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement. The Loudoun County Circuit Court will notify the Virginia Supreme Court, which shall appoint a Special Court to hear the case, composed of three circuit court judges from outside the Loudoun Circuit. The Special Court shall affirm or deny the proposed Voluntary Settlement of Annexation Agreement unless the parties agree to amendments of the agreement. If affirmed, the Voluntary Settlement of Annexation Agreement will become binding on the localities effective as of a date specified, or, if no date is specified, on the first day of the month following the Special Court's affirmation of the Agreement.

VSA-8. Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the annexation application materials and referrals to the greatest extent possible.

VSA-9. Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council will prepare an amendment to the Comprehensive Plan that assigns a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

If the jurisdictions cannot agree upon the proposed annexation and the Town believes the annexation is necessary, then the Town can pursue a Traditional Annexation as set forth under Va. Code 15.2-3200 et seq., and the following process will apply:

- TA-1. Town creates a metes and bounds or other reasonably certain description of the territory it seeks to annex.
- TA-2. Town notifies the Commission on Local Government of its intention to file an annexation lawsuit.
- TA-3. Town notifies Loudoun County of its intention to file an annexation lawsuit.
- TA-4. Town may be required by the Commission on Local Government to submit a list of persons providing witness testimony by a certain date.
- TA-5. The Commission on Local Government holds a public hearing pursuant to advertised notice.
- TA-6. The Commission on Local Government investigates and analyzes the proposed annexation, then produces a report within 6 months that is admissible as evidence before the Special Court.
- TA-7. Town adopts an Annexation Ordinance containing a metes and bounds description of the property to be annexed, after conducting a public hearing that is advertised for 4 weeks.
- TA-8. Town serves the Annexation Ordinance on the County.
- TA-9. Town petitions the circuit court for annexation of the subject property, and the circuit court notifies the Supreme Court which shall appoint a Special Court to hear the case.

TA-10. Qualified voters of the Town and of the territory proposed to be annexed may become parties to the proceeding by petitioning the Special Court.

TA-11. The Special Court conducts an evidentiary hearing. The Town carries the burden of proof. The Special Court shall determine whether the Annexation is “necessary” and “expedient” and in the best interest of the people of the County and the Town, which involves consideration of the following:

- a) the need for urban services in the area proposed to be annexed,
- b) the current relative level of services in the town and county,
- c) compliance of the respective jurisdictions with state laws and policies,
- d) natural boundaries that may exist between the jurisdictions,
- e) any arbitrary refusal of either jurisdiction to enter into cooperative agreements regarding joint activities that would have benefited the citizens of both political jurisdictions,
- f) the need for a town to expand its tax base,
- g) the need for a town to acquire land for industrial or commercial use together with the adverse effect on the County of losing such land area,
- h) the adverse impact on agricultural operations, and
- i) the adverse effect of the loss of tax resources and public facilities on the ability of the county to provide service to the people in the remaining portion of the county

TA-12. Special Court Rules Upon the Petition. If a majority of the Special Court finds the annexation is necessary and expedient, it shall enter an order granting the petition for annexation, which order shall set forth all terms and conditions of the annexation.

TA-13. Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the Annexation application materials and referrals to the greatest extent possible.

TA-14. Comprehensive Plan Amendment. After property is brought into the Town’s jurisdictional limits, the Town Council will prepare an amendment to the Comprehensive Plan that assigns a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

Town of Purcellville

Process for Annexation

Without limiting or amending the statutory processes by which annexations may occur, the following describes the process by which the Town of Purcellville will generally accept, review, and act upon applications for Annexation. The following process may be condensed or modified to the extent permitted by state law when the Town Council finds that the land area proposed for annexation results in a minor adjustment to the municipal boundary or when the reason for annexation is unrelated to a proposed development project.

1. Community Briefing prior to Application. A person desiring to file an application ~~for~~ Boundary Line Adjustment to annex property into the Town of Purcellville will first schedule and conduct a Community Briefing for the purpose of informing the public of the anticipated application and any proposed land development. The person desiring to file a Boundary Line Adjustment application must notify the public of the Community Briefing by (a) sending a letter (with a copy to the Town Clerk of the Town of Purcellville) by certified mail, return receipt requested, at least 15 days and no more than 30 days prior to the Briefing, to each property owner adjacent to the land proposed for Annexation and, if one or more of the adjoining properties belongs to a Homeowners' Association, then also to each affected Homeowners' Association, (b) placing a weatherproof placard that (i) is clearly visible from each public road abutting the property proposed for Annexation, (ii) measures at least 24" by 24," (iii) states, "Proposed Annexation – Community Meeting on [Date] - Call [phone number] for information," and (c) publishing an advertisement in a newspaper of general circulation in the Town of Purcellville that is authorized by the Loudoun County Circuit Court to publish legal notices, which advertisement shall state the date, time, and location of the Community Briefing, and shall describe the property proposed for Annexation by address, location, and parcel identification number. Said advertisement must first appear in the newspaper at least seven days prior to the Community Briefing. The applicant shall provide to the Town evidence that all required notices of the Community Briefing were completed. Such evidence is considered part of a complete Annexation application.
2. Application Submission. Applications for Annexation to adjust the jurisdictional boundary line between the Town of Purcellville and Loudoun County will be submitted to the Department of Community Development for processing. Applications will be accepted subject to an application fee, as such fee may be adopted by Council from time to time and reflected on the Town's Master Tax and Fee Schedule. The following application materials are required:

~~Adopted by~~Presented to Town Council ~~January~~October 27, 2015

Page 1 of ~~1~~1

- a. A plat of the proposed boundary line adjustment that shows both a detail of the proposed boundary line adjustment and the boundary line adjustment in the context of the surrounding properties. The plat shall include the following information for the subject property and surrounding properties: zoning designation, existing use, parcel identification number, natural features, existing streets and driveways, and ownership information. This plat must be submitted in both digital and paper forms.
 - b. A description of the proposed project, including a concept development plan showing:
 - (i) proposed land uses, (ii) the general location of proposed structures, (iii) a vehicular and pedestrian circulation plan, (iv) open space, (v) minimum and maximum proposed densities for each use, (vi) proposed Town zoning district(s), (vii) special amenities, and (viii) existing site features such as floodplain, steep slopes, and tree cover. The concept development plan and proposed project is not binding on either the applicant, or the Town.
 - c. A Statement of Justification, describing how the subject property is eligible for incorporation into the Town boundary under Virginia Code and how the proposed development will benefit the Town. The Statement of Justification should include a description of how the proposed development meets goals of the Town's Comprehensive Plan, and a proposed planned land use designation. The Statement of Justification should also describe how the land is planned and zoned under Loudoun County's plans and ordinances.
 - d. A traffic evaluation describing the capacity of surrounding roads, providing an estimate of existing traffic volumes (using available data to the greatest extent possible), and providing an estimate of the traffic generated by potential future land uses.
 - e. Evidence of a Community Briefing for which notice was provided as required herein.
3. Notification of Town Council ~~by Staff. Upon~~ and Loudoun County by Staff. The following persons will be notified of the Town's receipt of a Community Briefing notice letter, and notified again upon receipt of an application for ~~Annexation, the Department of Community Development will notify~~ annexation: all members of Town Council~~-, the Loudoun County Administrator, the Blue Ridge District Supervisor, the Catoclin District Supervisor, and the Chair of the Loudoun County Board of Supervisors.~~
 4. Application Review by Staff. Once the Department of Community Development receives a complete application for Annexation, including evidence of the applicant's notice to surrounding neighborhoods and the applicant's published advertisement for a Community Briefing, the Department of Community Development will distribute the Annexation

application for review and comment to all Town departments, ~~the Loudoun County Administrator,~~ and VDOT. The Town departments will evaluate the proposal for its impact on: (a) water and sanitary sewer capacity and infrastructure, (b) storm water, (c) emergency services, (d) recreational facilities, (e) tax revenues, (f) schools, (g) transportation infrastructure, (h) trash collection, snow removal, and other Town services, and will evaluate whether the proposal furthers goals set forth in the Town's Comprehensive Plan. Once these initial evaluations are complete, Community Development Staff will ~~assemble the comments and questions from the various referral agents and incorporate them into~~ assess the various departmental evaluations, request additional information from the applicant as needed in order to finalize the evaluations, accept from the applicant any proposed revisions to address staff comments, and, finally, prepare a Staff Report to Town Council. The Staff Report will include a recommendation to either approve or deny the application for Annexation ~~based on the information received,~~ and will describe what information, if any, ~~is needed to~~ would assist in further ~~evaluate~~ evaluating the application.

5. Town Council Briefing. Community Development Staff will ~~brief Town Council on the application for Annexation, the issues that have been identified by the various referral agents, the additional information needed to fully evaluate the application, and Staff's recommendation based on the information and referrals available~~ present its Staff Report to Town Council at a public meeting.
6. ~~Formation of Town Council Annexation Committee.~~ The Town Council will appoint a committee of two Council members and two Planning Commission members ("Town Annexation Committee") who will represent the Town in discussions with Loudoun County, and will direct Community Development Staff to deliver its Staff Report to the Loudoun County Administrator.—
7. ~~Meeting of County and Town.~~ The Town Council Annexation Committee will direct Town staff to schedule a meeting between the Town and County. The Town Council Annexation Committee and representatives from Loudoun County will meet to discuss the proposed Annexation and accompanying land development proposal. Based on these discussions, the Staff Report, and any additional information provided by the applicant, a recommendation of the Town Council Annexation Committee will be forwarded to Council as a whole.
6. ~~8. Town Council Meetings.~~ The Town Council will discuss at one or more of its regular public meetings the recommendations of Staff, ~~Loudoun County, and the Town Council Annexation Committee.~~ The applicant should attend these meetings and be prepared to answer questions and provide requested information. Town Council may direct Staff to conduct further analysis, and may request that the application be amended.

7. ~~9. Selection of Process~~ Town Council Decision; Transmittal to Loudoun County. The Town Council will vote to either deny the annexation application, or to proceed with ~~the application by way of (i) Boundary Line Adjustment, (ii) Voluntary Settlement of Annexation, or (iii) Traditional Annexation~~it. If the Town Council decides it would like to proceed with the annexation, then the Town will transmit the annexation application and related materials to Loudoun County with a request that Loudoun County commence work with the Town to reach an annexation agreement.

8. Negotiations. If the County agrees to work with the Town to reach an annexation agreement, the Town and County will negotiate the agreement and reduce it to writing.

~~If the Method Selected is~~there are no conditions attached to the annexation by the Town or County, then the agreement will most likely take the form of a Boundary Line Adjustment Agreement under Va. Code 15.2-~~3106~~ or Voluntary Settlement of Annexation under Va. Code 15.2-~~3400 et seq.~~3106, and the following process applieswill apply:

BLA-1 ~~1-~~Staff Drafts ~~Either (i)-a Boundary Line Adjustment Agreement, or (ii)-a Voluntary Settlement of Annexation Agreement,~~ AND a Water/Sewer Agreement. ~~At the conclusion of the Town Council worksession(s),~~ Town Staff will work with the County of Loudoun to prepare draft a Boundary Line Adjustment Agreement~~or Voluntary Settlement of Annexation Agreement for public hearing~~. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

BLA-2 ~~2-~~Public Hearing. The governing bodies of the Town ~~Council~~and County will each hold at least one duly-advertised public hearing on the proposed Boundary Line Adjustment Agreement. Notice of the proposed ~~Agreement~~agreement shall be served upon the owners of all parcels proposed to be incorporated into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

BLA-3 ~~3-~~Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed

Annexation. This vote will occur prior to a vote on the ~~Annexation Application~~Boundary Line Adjustment Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

BLA-4 ~~4. Council Votes to approve or deny the Boundary Line Adjustment Agreement or the Voluntary Settlement of Annexation Agreement.~~ The Town Council will vote to either approve or deny the Boundary Line Adjustment Agreement ~~or the Voluntary Settlement of Annexation Agreement~~. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

BLA-5 ~~5. Process Duration. Because of the multi-jurisdictional nature of annexation, and the potential for involvement by the Commonwealth, it is difficult to estimate the process duration.~~ It is expected that ~~if the Town elects the a~~ Boundary Line Adjustment ~~method for annexation, the application~~Agreement could be processed within 12 to 15 months of receiving a complete application.

BLA-6 ~~6. Circuit Court.~~ If the Boundary Line Adjustment Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement.

BLA-7 ~~7. Subsequent Rezoning.~~ If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the ~~Annexation~~annexation application materials and referrals to the greatest extent possible.

BLA-8 ~~8. Comprehensive Plan Amendment.~~ After property is brought into the Town's jurisdictional limits, the Town Council will prepare an amendment to the Comprehensive Plan that assigns a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

~~If the Method Selected is Traditional Annexation under Va. Code 15.2-3200 et seq., there are conditions attached to the annexation by either the Town or County, then the agreement will most likely take the form of a Voluntary Settlement of Annexation Agreement under Va. Code 15.2-3400 et seq., and the following process~~ applies will apply:

~~Adopted by~~Presented to Town Council ~~January~~October 27, 2015

Page 5 of ~~4~~1

VSA-1. Staff Drafts a Voluntary Settlement of Annexation Agreement AND a Water/Sewer Agreement. Town Staff will work with the County of Loudoun to draft a Voluntary Settlement of Annexation Agreement. The agreement may address the following: fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements, infrastructure arrangements, revenue and economic growth sharing arrangements, arrangements for the joint exercise of powers, and such other provisions as the parties deem in their best interest. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

VSA-2. Commission on Local Government. The Town and County will present their proposed Voluntary Settlement of Annexation Agreement to the Commonwealth's Commission on Local Government. The Commission will review the proposed agreement and issue an advisory report to the localities that sets forth its findings and recommendations as to whether the proposed agreement is in the best interest of the Commonwealth. The Commission will issue its report within 6 to 8 months of receiving the proposed Agreement.

VSA-3. Revisions and Public Hearing. The Town and County will review the Commission's report and may elect to amend the proposed Voluntary Settlement of Annexation Agreement accordingly. Once the Agreement is finalized, the governing body of each locality will hold at least one duly-advertised public hearing on the Agreement prior to voting on the Agreement. Notice of the proposed Agreement shall be served upon the owners of all parcels proposed to be incorporated into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

VSA-4. Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed Annexation. This vote will occur prior to a vote on the Voluntary Settlement of Annexation Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

VSA-5. Council Votes to approve or deny the Voluntary Settlement of Annexation Agreement. The Town Council will vote to either approve or deny the Voluntary Settlement of Annexation Agreement. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

VSA-6. Process Duration. It is expected that a Voluntary Settlement of Annexation Agreement could be processed within 18 to 24 months of receiving a complete application.

VSA-7. Special Court. If the Voluntary Settlement of Annexation Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement. The Loudoun County Circuit Court will notify the Virginia Supreme Court, which shall appoint a Special Court to hear the case, composed of three circuit court judges from outside the Loudoun Circuit. The Special Court shall affirm or deny the proposed Voluntary Settlement of Annexation Agreement unless the parties agree to amendments of the agreement. If affirmed, the Voluntary Settlement of Annexation Agreement will become binding on the localities effective as of a date specified, or, if no date is specified, on the first day of the month following the Special Court's affirmation of the Agreement.

VSA-8. Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the annexation application materials and referrals to the greatest extent possible.

VSA-9. Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council will prepare an amendment to the Comprehensive Plan that assigns a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

If the jurisdictions cannot agree upon the proposed annexation and the Town believes the annexation is necessary, then the Town can pursue a Traditional Annexation as set forth under Va. Code 15.2-3200 et seq., and the following process will apply:

TA-1. ~~1.~~ Town creates a metes and bounds or other reasonably certain description of the territory it seeks to annex.

TA-2. ~~2.~~ Town notifies the Commission on Local Government (~~“COLG”~~) of its intention to file an annexation lawsuit.

TA-3. ~~3.~~ Town notifies Loudoun County of its intention to file an annexation lawsuit.

TA-4. ~~4.~~ Town may be required by ~~COLG~~ the Commission on Local Government to submit a list of persons providing witness testimony by a certain date.

TA-5. ~~5. COLG~~ The Commission on Local Government holds a public hearing pursuant to advertised notice.

TA-6. ~~6. COLG~~ The Commission on Local Government investigates and analyzes the proposed annexation, then produces a report within 6 months that is admissible as evidence before the Special Court.

TA-7. ~~7.~~ Town adopts an Annexation Ordinance containing a metes and bounds description of the property to be annexed, after conducting a public hearing that is advertised for 4 weeks.

TA-8. ~~8.~~ Town serves the Annexation Ordinance on the County.

TA-9. Town petitions the circuit court for annexation of the subject property, and the circuit court notifies the Supreme Court which shall appoint a Special Court to hear the case.

TA-10. Qualified voters of the Town and of the territory proposed to be annexed may become parties to the proceeding by petitioning the Special Court.

TA-11. ~~9. A~~ The Special Court ~~is appointed and~~ conducts an evidentiary hearing. The Town carries the burden of proof. The Special Court ~~must grant~~ shall determine whether the Annexation ~~if it determines that the annexation~~ is “necessary” and “expedient,” and in the best interest of the people of the County and the Town, which involves consideration of the following:

- a) the need for urban services in the area proposed to be annexed,
- b) the current relative level of services in the town and county,
- c) compliance of the respective jurisdictions with state laws and policies,

- d) natural boundaries that may exist between the jurisdictions,
- e) any arbitrary refusal of either jurisdiction to enter into cooperative agreements regarding joint activities that would have benefited the citizens of both political jurisdictions,
- f) the need for a town to expand its tax base,
- g) the need for a town to acquire land for industrial or commercial use together with the adverse effect on the County of losing such land area, ~~and~~
- h) the adverse impact on agricultural operations, and
- i) the adverse effect of the loss of tax resources and public facilities on the ability of the county to provide service to the people in the remaining portion of the county

TA-12. Special Court Rules Upon the Petition. If a majority of the Special Court finds the annexation is necessary and expedient, it shall enter an order granting the petition for annexation, which order shall set forth all terms and conditions of the annexation.

TA-13. ~~10.~~ Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the Annexation application materials and referrals to the greatest extent possible.

TA-14. ~~11.~~ Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council will prepare an amendment to the Comprehensive Plan that assigns a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

Document comparison by Workshare Compare on Thursday, October 22, 2015
3:22:09 PM

Input:	
Document 1 ID	file:///Y:/Annexation/Annexation Process - Town Policy/Annexation Process for Town of Purcellville (adopted 1.27.15.).docx
Description	Annexation Process for Town of Purcellville (adopted 1.27.15.)
Document 2 ID	file:///Y:/Annexation/Annexation Process - Town Policy/Annexation Process for Town of Purcellville - Revisions October 2015.docx
Description	Annexation Process for Town of Purcellville - Revisions October 2015
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
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Style change	
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Moved cell	
Split/Merged cell	
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Statistics:	
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Insertions	80
Deletions	68
Moved from	2
Moved to	2
Style change	0

Format changed	0
Total changes	152



STAFF REPORT
ACTION ITEM

Item # 14.a.ii.

SUBJECT: Events Ordinance

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Sally G. Hankins, Town Attorney

RECOMMENDATION:

I recommend that Town Council adopt the Events Ordinance attached to this Staff report after reviewing Matrix items 48 through 55, since these Matrix items contain information that was added since September 8, 2015 when the Council last considered the Events Ordinance.

SUMMARY:

The Town has spent the past year crafting an Events Ordinance in order to (a) establish a structured process for evaluating the impact of Events on the public, (b) coordinate Town services provided to Events, (c) assess and collect fees to offset the cost to the Town of Events, (d) ensure the health and safety of Event patrons, (e) protect the rights and interests granted the holder of an Event Permit, (f) create a class of itinerant merchants - itinerant merchants who sell *only* at Events that are subject to a valid Events Permit - who will not be required to pay the Town's Business, Professional, and Occupational License Tax, and (g) to exempt all vendors at Events that are subject to a valid Events Permit from collecting and remitting the Town's Meals Tax.

The Events Ordinance has undergone extensive review and is ready for adoption after a review by Town Council of Matrix Items 48 through 55.

BACKGROUND:

1. August 26, 2014: Town Council voted to adopt Resolution 14-08-02, which directed Staff to (i) prepare for review and action by Town Council an Events Ordinance that defines and regulates Events and (ii) prepare for review and action by Town Council amendments to the Town Code and Town Zoning Ordinance, as needed, for consistency with the Events Ordinance.

2. November 25, 2014: Staff from all Town departments collaborated to produce the Draft Events Ordinance, which was presented to Town Council at its meeting on November 25, 2014.
3. February 24, 2015: Town Council appointed Council members Packard and McConville to work with Staff to study and refine the Draft Events Ordinance, and to address all questions and comments set forth in the matrix.
4. May 26, 2015: Staff presented to Town Council as an informational item the work of the Events Ordinance Committee consisting of a Draft Ordinance, and notified Council that two components of the Ordinance remained outstanding: (i) a recommendation regarding the specific fees to charge for both the application review and the various Town Services, and (ii) signage regulations that are specific to Events.
5. June 15, 2015: Events Ordinance Committee has its last meeting.
6. June 23, 2015: Town Council discusses the Draft Ordinance and requests certain clarifications and amendments.
7. July 28, 2015: Town Council is presented with the clarifications and amendments requested at the June 23, 2015 meeting. Town Council directs Staff to advertise the Ordinance for public hearing.
8. September 8, 2015: Town Council conducts a duly-advertised Public Hearing on the Events Ordinance. Town Council discussed the Events Ordinance, recommended minor clarifications, and recommended that the Ordinance be sent to the Parks and Recreation Advisory Committee and the Economic Development Advisory Council for review and comment. Town Council reviewed Matrix item numbers 31, 41, 45-46, and 48 through 51 (Attachment 4) because they were newly added. Town Council was presented with revised Ordinance language to accommodate Events at Institutions, such as colleges.
9. Late September, 2015: The Parks and Recreation Advisory Committee and the Economic Development Advisory Council met to review and comment on the Events Ordinance. Their comments are located at Matrix Items 53 and 54. In addition, a comment from the owner of Purcellville Gateway is included at Matrix Item 55.

ISSUES:

All issues are identified on the Matrix, at Attachment 4 to this Staff Report. Matrix Items 48 through 55 contain new information and should be reviewed.

BUDGET IMPACT:

One purpose of the Events Ordinance is to capture the cost to the Town of having Events through fees. When the Events Ordinance (Attachment 1) and accompanying Fees Ordinance (Attachment 5) are adopted, those costs can be better captured.

MOTION(S):

"I move that Town Council adopt Ordinance 15-09-01, amending Town Code Chapter 6 by retitling Chapter 6 as "EVENTS," repealing section 6-1 ("PUBLIC DANCES") in its entirety, and adding Sections 6-1 through 6-13, regulating Events in the Town of Purcellville;

AND

I further move that Town Council adopt Ordinance 15-09-02, adopting fees related to Events."

ATTACHMENT(S):

1. *Ordinance 15-09-01*, amending Town Code Chapter 6 by retitling Chapter 6 as "EVENTS," repealing section 6-1 ("PUBLIC DANCES") in its entirety, and adding Sections 6-1 through 6-13, regulating Events in the Town of Purcellville.
2. *Redline of Events Ordinance*, comparing version reviewed by Town Council at its meeting on September 8, 2015, against the version to be reviewed by Town Council at its meeting on October 27, 2015.
3. *Events Ordinance Flowchart*
4. *Matrix of Comments, Questions, and Responses*, updated on October 22, 2015, for review by Town Council at its meeting on October 27, 2015.
5. *Ordinance 15-09-02*, adopting fees related to Events.

**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 15-09-01

PRESENTED: September 8, 2015

ADOPTED:

AN ORDINANCE: TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS,” REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PURCELLVILLE, VIRGINIA, THAT CHAPTER 6 OF THE TOWN CODE IS HEREBY AMENDED TO RETITLE CHAPTER 6 AS “EVENTS,” TO REPEAL SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND TO ADD SECTIONS 6-1 THROUGH 6-13 AS FOLLOWS:

Chapter 6

AMUSEMENTS AND ENTERTAINMENTS

~~Sec. 6-1. Public dances.~~

~~(a) Police protection. It shall be unlawful for any person to hold a public dance in the town, unless the person holding such dance shall, at his own expense, provide a police officer to be present during the dance, which officer shall be acceptable to and shall be sworn in by the chief of police before such dance is held.~~

~~(b) Closing hour. All public dances held in the town shall be closed not later than 1:00 a.m.~~

~~(c) Penalty. Any violation of this section shall be a class 3 misdemeanor.~~

~~(Code 1977, §§ 3-1, 3-2)~~

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

**CHAPTER 6
EVENTS**

Sec. 6-1. Purpose

Recognizing that Events enhance the quality of life for residents and visitors alike, and provide substantial economic benefits related to additional tourism, the Town seeks to encourage Events. Because Events place increased demands on public services (increasing traffic congestion, reducing parking availability, increasing trash collection needs, increasing police patrols and calls, and increasing emergency medical calls), it is the purpose of this Ordinance to (a) establish a structured process for evaluating the impact of Events on the public, (b) coordinate Town services provided to Events, (c) assess and collect fees to offset the cost to the Town of Events, (d) ensure the health and safety of Event patrons, and (e) protect the rights and interests granted the holder of an Event Permit.

It is further the purpose of this Ordinance to create a class of itinerant merchants - itinerant merchants who sell *only* at Events that are subject to a valid Events Permit - who will not be required to pay the Town’s Business, Professional, and Occupational License Tax, and to exempt all vendors at Events that are subject to a valid Events Permit from collecting and remitting the Town’s Meals Tax.

Sec. 6-2. Definitions

- A. Event. An activity is an Event governed under this Ordinance *only if* it is an “Identified Activity,” hereinafter defined, that occurs on (1) property owned by the Town of Purcellville, (2) property owned by another governmental entity and located within the Town of Purcellville’s corporate limits (including public streets, public rights-of-way, and other public property) when the Identified Activity includes more than three vendors selling Goods, (3) private property, when any part of the Identified Activity is conducted outside a permanent enclosed structure, (4) private property, when the Identified Activity is conducted inside a permanent enclosed structure and more than 250 people are

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

anticipated to attend over the duration of the Event, or (5) private property, when the Identified Activity is (i) conducted inside a permanent enclosed structure, (ii) anticipated to have fewer than 250 people in attendance over the duration of the Event, and (ii) planned to have more than three vendors selling Goods.

The following are expressly excluded from the definition of Event: (i) a funeral procession supervised by a licensed mortuary; (ii) a Farm and Community Market governed under Ordinance 10-12-02; (iii) performances on private commercial patios; (iv) the existence of a food truck on private property when no activity is occurring on the property other than the food truck and the principal use of the property; (v) yard sales conducted on property that is residentially-occupied or owned by a homeowners' association, (vi) neighborhood block parties on property owned by a homeowners' association, and (vii) an Identified Activity produced and sponsored by an Institutional Use (herein defined) on property occupied by the same Institutional Use, so long as such Identified Activity (a) does not include more than three outside vendors selling Goods, and (b) is not located on property owned by the Town.

- B. Identified Activity. An Identified Activity is one of the following activities: (i) festival, (ii) carnival or circus, (iii) concert for which a ticket is needed or a donation is encouraged, (iv) parade, (v) performance, (vi) tournament, as hereinafter defined, (vii) race on public streets, (viii) neighborhood block party on a public street, (ix) demonstration, or (x) sale of Goods, as hereinafter defined.
- C. Event Permit. An Event Permit is a permit issued by the Town to the organizer of an Event that allows a particular Event to occur and without which the particular Event may not lawfully occur.

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

- D. Event Organizer. An “Event Organizer” is the person or entity that applies for an Event Permit and who is responsible for the Event. An Event Permit, if granted, is issued to the Event Organizer.
- E. Tournament. A “Tournament” means a series of sport, game, or exercise contests between a number of visiting competitors or teams, who compete for an overall prize or title. To be a “tournament” under this Ordinance, the visiting competitors or teams must be participating in a competition that includes teams from across the Commonwealth of Virginia, or a larger territory. A tournament that includes teams from only the northern Virginia region is not a “tournament” under this Ordinance.
- F. Goods. “Goods” are items manufactured or produced for sale and include durable goods, non-durable goods such as food and beverage, and artistic goods such as original art, textiles, and crafts.
- G. Institutional Use. “Institutional Use” includes schools, colleges, churches, museums, libraries, community centers, and public safety facilities.

Sec. 6-3. Event Permit

- A. Permit Required. No person may hold an Event unless an Event Permit is first obtained from the Town. An Event held without an Event Permit is unlawful activity, subject to penalty in accordance with this Ordinance.
- B. Event Organizer. Each Event must have a designated Event Organizer, to whom the Event Permit is issued.
- C. Permit Application. A complete Application for Event Permit (“Application”) must be submitted by the Event Organizer. An Application is complete when it meets all of the Application Submission Requirements set forth below. The Town’s Event Specialist, or

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

equivalent position, will review the Application for completeness and, once complete, will distribute a copy of the Application to each Town Department affected by the proposed Event for their review. Each Town Department affected by the proposed Event will review the Application against the regulations set forth herein, will provide comment regarding the impact of the Event on Town services, and will make suggestions for approval or denial. The Application will be reviewed by the Town for impacts to, compliance with, and recommendations regarding the following: Emergency Medical Services, Police, Risk Management, Traffic Operations, Sanitation Services, Zoning, Fire and Rescue, Business Licensing, and Taxation.

D. Application Submission Requirements

- (1) Application Form. A completed application form must be submitted with the Application. If the proposed Event is to occur on private property, the application form must be signed by the Owner of such property and the Event Organizer. The application form must include a specific and accurate written representation of the proposed Event so that the Town may identify the required level of Town services.
- (2) Application Fee. The Event Organizer shall submit with the Application a non-refundable fee to cover the cost to the Town of reviewing and acting on the Application, made payable to the Town of Purcellville. The Application fee is set forth on the Town’s Master Fee Schedule.
- (3) Comprehensive Event Plan. A comprehensive event plan must be submitted with the Application that shows:
 - a. The event venue, including streets and areas that are part of the venue. If the event is a moving event (e.g. race, parade, etc), label the direction of the route

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

- b. All proposed street closures. No street closure shall be granted by the Town unless the Town first determines that:
 - i. such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
 - ii. such street closing would not be unduly injurious to public safety and convenience; and
 - iii. VDOT consent has been granted if VDOT consent is required; and
 - iv. adequate provision can be made to detour through-traffic during the Event; and
 - v. the Event Organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.
- c. A description of the general area needed for parking spaces, trailers, vendors, performers, equipment, amusement rides, animals, stages, bleachers, tents, toilets, trash barrels, and other information that will assist the Town in reviewing the proposed Event
- d. Emergency Access (at least 20 feet wide) into the Event area
- e. The location of electrical generators
- f. Enter and Exit locations for enclosed or fenced-in Events
- g. All ADA-Compliant access points to the Event
- h. If applicable, a shuttle plan

(4) Event Schedule. The Application must include an Event Schedule that provides a detailed timeline of the Event, including set-up, tear-down, and clean-up.

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

- (5) Security Plan. The Application must include a description of the size, type, activities, time of day, and location of the Event so that security needs may be assessed.
 - (6) Emergency Services Plan. The Application must include a description of the nature and quantity of emergency services provided for the Event.
 - (7) Anticipated Attendance. The Application must include the anticipated attendance at the Event.
 - (8) Vendors. The Application must identify whether vendors will be participating in the Event. If vendors will be participating, the Application must identify the estimated number of vendors, and whether any vendor will be selling weapons such as knives or guns.
 - (9) Loudoun County Event Information Form. The Application must include a completed Loudoun County Event Information Form.
 - (10) Signage. The Application must include a Sign Plan that conforms to the sign regulations set forth in the Town Zoning Ordinance.
- E. Application Submission and Review Deadlines.
- The completed Application should be submitted as early as possible, but no earlier than 12 months prior to the Event. The Town will complete its review of an Application within 120 days, provided all information and materials requested by the Town are promptly provided by the Event Organizer. Applications submitted fewer than 120 days prior to the Event may be rejected without review if the Town’s Event Specialist determines that the size and complexity of the

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

Event coupled with the volume of Applications under review by the Town make it unlikely or impossible to process the Application prior to the Event date; the Town assumes no liability if an Application submitted fewer than 120 days prior to the Event date is accepted for review by the Town but cannot be fully processed prior to the Event date. Applications submitted fewer than 120 days prior to the Event, if accepted for processing, will be subject to a fee for expedited review as set forth on the Town’s Master Fee Schedule. Each Application will be processed in the order it is received. If multiple Applications are received simultaneously, then the Town will utilize a lottery system to select the order in which such Applications will be processed. If multiple Applications are received simultaneously for the same venue and the same date, then the Town will utilize a lottery system to select only one such Application for review and action, and may deny the other Applications pursuant to Section III.F.(1) of this Ordinance. The Town reserves the right in its sole discretion to reject an Application if it is submitted fewer than 15 days prior to the proposed Event.

F. Criteria for Event Permit Approval.

An Application for Event Permit will be approved if it meets all of the following criteria for Event Permit Approval. Note that for Events conducted at an Agricultural Operation, as defined under Va. Code 3.2-300, a legal determination is needed to determine whether an Event Permit may be required.

- (1) Venue is available. The proposed venue must be available for the requested date and time. The proposed venue must be able to accommodate the expected participants, including vendors and exhibitors, without posing a security or safety risk. Events are permitted in all Town zoning districts.
- (2) Date; Time; Duration. Events must have a specific start date and time and a specific end date and time. The date, time, and duration of the Event must not

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conflict, impact, or directly compete for resources previously approved by the Town, or with scheduled construction, scheduled maintenance, previously approved Events, or Event Permit Applications that have already been accepted by the Town for review. Events must conclude no later than 11:00 pm on Friday and Saturday nights, and on the night before a federal holiday. Events must conclude no later than 9:00 pm on all other nights. Events may commence no earlier than 7:00 am on Saturdays, Sundays, and federal holidays. Events may commence no earlier than 9:00 am on all other days.

(3) Limitation on the number of Events. No more than one Event per month is permitted on each privately-owned parcel of land. If an Event is not conducted in a given month, the opportunity to have an Event is lost for that month and may not be carried over into a different month. For purposes of this paragraph, “privately-owned parcel of land” is defined to mean a particular parcel identification number, as assigned by Loudoun County. There is no limit to the number of Events that may occur on public property.

(4) Venue Owner and Event Organizer are in Good Standing. If either the owner of the Event venue or the Event Organizer is not in good standing with the Town with regard to fees, taxes or other obligations, including but not limited to parking tickets and personal or real property taxes, the Town reserves the right to deny the Application for Event Permit.

(5) Certificate of Insurance. Prior to issuance of an Event Permit for an Event located on property owned by the Town of Purcellville or property owned by another governmental entity, the Event Organizer shall submit to the Town (i) a Certificate of Insurance demonstrating current comprehensive general liability insurance of at least \$1,000,000 per occurrence for bodily injury and property damage, or such higher amount as may reasonably be deemed necessary by the

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Town based on its risk assessment, (ii) a Certificate of Insurance demonstrating a deductible in an amount no higher than \$1,000.00, and (iii) an Endorsement to the general liability policy naming the Town of Purcellville as an additional insured. The Certificate of Insurance and Endorsement are required to ensure that the Town of Purcellville is not held financially responsible for any incidents or lawsuits that are indirectly or directly related to the Event. The insurer must be licensed to conduct business in the Commonwealth of Virginia and must have an A. M. Best rating of A- or better.

(6) Public Property Accepted in As-Is Condition. The Event Organizer must accept the public property as-is; the Town does not warrant that any public area is suitable for the activities to be conducted as part of the Event. The Event Organizer is solely responsible for any damages or injuries resulting to any person or property arising from the Event. The Town expressly reserves all sovereign and governmental immunity to which it, and its officers, officials, and employees may be entitled to under the laws of the Commonwealth of Virginia.

(7) Event Services Fees. Each Event will be evaluated by the Town for its impact on Town property and services. The Town will identify the cost to the Town to service the Event and will assess and collect those costs against the Event Organizer as a condition to issuing an Event Permit. Fees will be assessed in accordance with the Event Services Fee Schedule set forth in the Town’s Master Fee Schedule. The costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, property maintenance, prompt restoration, and monitoring.

(8) Mitigation of Issues. All issues identified by the Town in its review of the application are mitigated by the Event Organizer, including but not limited to litter prevention, portable restrooms, traffic control, parking, public safety,

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emergency services, and clean-up. Such mitigation shall be documented by amending the Event Permit Application.

- (9) Requirements Met. The Application for Event Permit complies with all requirements set forth in these regulations and all other Town Ordinances.

G. Permit Denial.

If an Event Permit Application fails to meet one or more of the Criteria for Event Permit Approval, the application will be denied in writing, with the reasons for denial specified. Common reasons for denial of an Event Permit Application may include:

- (1) Receipt of Multiple Requests. A fully executed and complete application was previously received by the Town for the same venue and date, and the venue requested for the Event will not reasonably accommodate multiple Events.
- (2) Dangerous Activity or Location. It reasonably appears that the proposed activity will present a danger to the public safety or health, or would be unlawful. Examples of unlawful activity include, without limitation, instances in which a permit or license is required by the Virginia Department of Health or the Virginia Department of Alcohol Beverage Control, and has not been obtained.
- (3) Incompatible Use. The proposed venue cannot reasonably accommodate the nature or duration of the proposed Event, or is otherwise incompatible or inconsistent with the proposed Event.
- (4) No Responsible Person or Entity. There is no person or entity authorized to sign an application on behalf of a group applying for a permit, or there is no person or

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legal entity willing to accept responsibility for the group's adherence to the limitations set forth within these regulations.

(5) Size of Event. The existing Town infrastructure cannot reasonably accommodate the proposed Event, given the Event’s anticipated attendance.

(6) Failure to Meet the Criteria for Event Permit Approval. The Event Permit Application does not meet one or more Criteria for Event Permit Approval, as set forth in these regulations.

H. Road Races.

In addition to other regulations contained herein, road races must also meet the following conditions:

(1) A maximum of six road races will be allowed each calendar year, with no more than one road race to occur in a given month.

(2) All road races must be held on Sundays.

(3) Applications will be considered in the order they are received; if multiple applications are received simultaneously, then the applicants will be selected by lottery.

(4) No road race whose route is entirely within the Town of Purcellville may exceed 5K.

I. Permit Revocation.

An Event Permit may be revoked by the Town prior to the Event or during the Event, as set forth below. Upon revocation of an Event Permit the Town shall notify the Event

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Organizer, specifying the reason for the revocation. An Event Permit may be revoked by the Town under the following conditions:

- (1) An Event Permit may be revoked by the Town prior to the Event upon a finding by the Town that there is a violation of a rule, ordinance, law, regulation, or a violation of a condition of the Event Permit, and the Event Organizer failed to cure such violation after reasonable notice.
- (2) An Event Permit may be revoked during an Event upon finding by the Town that:
 - a. continuation of the Event presents a danger to the public health or safety, including inclement weather, or
 - b. violation of an applicable law or regulation at the Event cannot reasonably be mitigated other than by terminating the Event.

J. Street Closures

- (1) No public street may be closed for any Event, unless done pursuant to an Event Permit expressly authorizing such street closure. No street closure shall be granted by the Town unless the Town first determines that:
 - a. such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
 - b. such street closing would not be unduly injurious to public safety and convenience; and
 - c. VDOT consent has been granted if VDOT consent is required; and
 - d. adequate provision can be made to detour through-traffic during the Event; and
 - e. the Event Organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.

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- (2) No street may be closed for an Event except on a temporary basis, not to exceed 48 hours in duration.
- (3) If the circumstances of a proposed Event are such that a street closing is necessitated because the Event will likely impede vehicular or pedestrian travel, then the Town will require a street closing in connection with the Event even if such closure is not requested by the Event Organizer. If all conditions for street closure cannot be met when street closure is necessitated by the Event, then the Event Permit will be denied.
- K. Speech, Advertising and Solicitation at Events. For Events held on property owned by the Town of Purcellville, the Town may impose restrictions on the time, place, and manner of speech protected under the First Amendment to the United States Constitution, provided that such restrictions are content neutral, are narrowly tailored to serve a significant governmental interest, and leave open ample alternatives for communication.

Sec. 6-4. Priority of Use

Events that are entirely or largely sponsored by the Town shall have priority use of public property. The Town reserves the right to cancel an Event on public property at any time due to unforeseen emergency circumstances.

Sec. 6-5. Vendors at Events

- A. Health and Licensing Requirements. The Virginia Department of Health (“VDH”) requires that all food or beverage operations hold a permit issued by VDH when a sale price is associated with the exchange of food or beverages, or when food or beverages are free to the general public. The Event Organizer is responsible for ensuring that all food and beverage vendors have obtained such permit from VDH prior to the Event. A list of

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all food and beverage vendors must be submitted to the Town no fewer than thirty (30) days prior to the Event.

B. Business Professional and Occupational License (“BPOL”); Taxes. All Itinerant Merchants at a permitted Event, including the Event Organizer, are exempt from obtaining a Business, Professional, and Occupational License (BPOL) and paying BPOL Tax for that Event. All vendors at a permitted Event, including the Event Organizer, who have been issued a Business Professional and Occupational License by the Town of Purcellville are exempt from including revenues from the permitted Event in their report of gross receipts. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended.

C. Meals Tax. All Itinerant Merchants at an Event, including the Event Organizer, are exempt from collecting and transmitting to the Town the Meals Tax for that Event. All vendors at a permitted Event, including the Event Organizer, who have been issued a Business Professional and Occupational License by the Town of Purcellville are exempt from collecting meals tax at that Event.

Sec. 6-6. Alcohol

Alcohol is not permitted on public property during any Event unless the Event Permit specifically allows for it and all alcohol-related Event Permit Conditions are met, including a requirement that the Event Organizer provide proof of Liquor Liability Insurance in the minimum amount of one million dollars on an "occurrence" basis, naming the Town of Purcellville as Certificate Holder. A copy of the Certificate must be provided to Town at least thirty (30) days prior to the Event.

If alcohol service is allowed under the Event Permit, the Event Organizer is responsible for checking the identification of all persons being served alcohol, as well as for ensuring that all persons acting as servers are age 21 or older. Event Organizers should also

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ensure that people with disabilities are able to take alcoholic beverages to the accessible viewing area. It is the servers’ responsibility to make sure that intoxicated persons are not served.

If the Event is sponsored or assisted financially by the Town, or if the Event is held on Town property, then a list of names of the volunteer alcohol servers must be submitted to the Town with the Event Permit Application and prior to issuance of an Event Permit.

If alcohol is permitted at the Event, the Event Organizer must contact the Virginia Department of Alcohol Beverage Control at least 21 days prior to the Event to determine if a license is needed. If an ABC license is required for an Event that is held on public property or sponsored financially by the Town, then a copy of the ABC license must be provided to the Town no later than 7 days prior to the Event.

Sec. 6-7. Public Assembly

Nothing in this Ordinance shall be construed to prevent members of the public from assembling in the public parks or public streets for the purpose of demonstrating, making any speech, or conveying any message to the public or to the government, provided that they have complied with all other ordinances and provided they are peaceable and not in violation of any laws concerning the public order.

Persons assembling without an Event Permit will not be entitled to the benefits provided by these regulations, including, but not limited to, the right to (a) erect stages, barricades, utility poles, booths, tents, or other temporary structures, (b) the assistance of Town personnel in carrying out their Event, or (c) exclusive or reserved use of the facility unless otherwise authorized by some other ordinance or law.

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Sec. 6-8. Town Events; Town Donations to Events

- A. Town Events. Certain Events are organized and paid for by the Town (“Town Events”) and include Painting Purcellville Green, Public Safety Day, the Memorial Day Ceremony, Summer Movie Nights, the 4th of July Parade, the 9/11 Memorial Ceremony, the Town of Purcellville Holiday Events (December), the Food and Wine Festival, the Music and Arts Festival, and the Loudoun Grown Expo. So long as the Town assumes complete responsibility for these Events, they remain ineligible for Town Donations (described below). Should the Town cease to assume complete responsibility for a Town Event, then such event will no longer be a Town Event and will be eligible for Town Donations to Events under the process described below.
- B. Town Donations to Events. The Town Council may, in its sole discretion each year, elect to designate in its annual budget certain services and funds for donation to Events. Applications for such services and funds must be submitted to the Town no later than December 31st each calendar year, to be considered for inclusion in the budget adopted by Town Council the following calendar year. The Town’s Event Specialist will review all applications and will make a recommendation as to each application to the Town Council. Applicants will be notified of the Town Council’s decision to allocate funds for donation by July 1st of the calendar year following submittal of the application for donation. Donations awarded in one year will not automatically be repeated in following years; applications for donation must be submitted to the Town each year. An application for donation must meet all of the following criteria in order to be approved:
- (1) The Town Council must determine that the proposed Event will do at least one of the following: (a) draw tourists to the Town, (b) provide a heritage, historical, or cultural experience or education that is relevant to the Purcellville area or of benefit to Purcellville residents, or (c) raise money or collect goods for a social service that benefits the residents of Purcellville, such as fire & emergency rescue services, housing assistance, animal control & adoption, and food assistance.

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- (2) The applicant for donation is an organization authorized to receive donations from the Town under Code of Virginia § 15.2-953, as amended, and the applicant provided proof of such statutory compliance with its application for donation.

Funds approved by the Town for donation to an Event will be distributed to the Event Organizer only after the Event Permit Application has been approved in accordance with these regulations. If the Event for which funds were donated is cancelled, the Event Organizer shall promptly refund the donation to the Town.

Sec. 6-9. Town Services; Fees

- A. Services; Fees. Events that require services such as site preparation, set-up, clean-up, event planning, police, street closure, or other health and safety services, as determined by the Town, shall not be issued an Event Permit unless such services have first been secured and, if such services are to be provided by the Town, paid for. The Event Organizer may secure the required services from the Town, provided such services are available for the date of the Event, by paying the Town’s estimated cost for such services in accordance with the Town’s master fee schedule, or may secure the services privately and provide evidence to the Town of the same.
- B. Contingency; Reconciliation. Because the need and associated cost for services provided by the Town is based on event planning estimations, the Town will assess a contingency fee against the Event Organizer equivalent to 10% of the estimated cost for services provided by the Town, as a condition to obtaining an Event Permit. After the Event, if the Event Organizer can show that the Town services paid for by the Event Organizer were greater than the Town services actually received, the Town will reimburse the Event Organizer for any overpayment.
- C. Event Permit Application Fee. The Event Permit Application Fee is a fee that covers the Town’s administrative cost to process the Event Permit Application, and is required regardless of whether any Town Services are required.

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- D. Refunds. If the Event is canceled by the Event Organizer, any fees paid for Town services, but not the Event Permit Application Fee, will be refunded on a pro-rated basis in order to pay for services rendered by the Town prior to its notification of cancellation, and services that have been contracted for and cannot be cancelled without cost.

Sec. 6-10. Marketing and Contracts

Acceptance by the Town of an Application for Event Permit does not constitute approval of the Event. The Event Organizer should ensure that the Event is approved and the Event Permit is issued before the Event is promoted or marketed, and before any contracts or other legal obligations for the Event are entered into.

Sec. 6-11. Waiver

The Town Manager, or his designee, will grant a waiver to Event Ordinance requirements if he finds: (i) the waiver was requested in writing, (ii) good reasons justify granting the waiver, (iii) granting the waiver will not compromise the purpose or intent of the Ordinance, and (iv) granting the waiver will not compromise the public health, safety or welfare. The Town’s grant or denial of each waiver request shall be set forth in writing and shall specify the grounds on which the waiver was either granted or denied. If the Town denies a waiver request, the Event Organizer may appeal such denial to the Circuit Court of Loudoun County.

Sec. 6-12. Penalties

Conducting an Event without an Event Permit is subject to a civil penalty of up to \$1,000 per violation. Other violations of these regulations may be subject to a civil penalty of up to \$500 per violation. (Ref. Va. Code § 15.2-1429)

Sec. 6-13. Enforcement

This Ordinance shall be administered and enforced by the Town Manager or his designee.

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PASSED THIS ____ DAY OF _____, 2015.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 15-09-01

PRESENTED: September 8, 2015

ADOPTED:

AN ORDINANCE: TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS,” REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PURCELLVILLE, VIRGINIA, THAT CHAPTER 6 OF THE TOWN CODE IS HEREBY AMENDED TO RETITLE CHAPTER 6 AS “EVENTS,” TO REPEAL SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND TO ADD SECTIONS 6-1 THROUGH 6-13 AS FOLLOWS:

~~Chapter 6~~

~~AMUSEMENTS AND ENTERTAINMENTS~~

~~Sec. 6-1. Public dances.~~

~~(a) Police protection. It shall be unlawful for any person to hold a public dance in the town, unless the person holding such dance shall, at his own expense, provide a police officer to be present during the dance, which officer shall be acceptable to and shall be sworn in by the chief of police before such dance is held.~~

~~(b) Closing hour. All public dances held in the town shall be closed not later than 1:00 a.m.~~

~~(c) Penalty. Any violation of this section shall be a class 3 misdemeanor.~~

~~(Code 1977, §§ 3-1, 3-2)~~

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**CHAPTER 6
EVENTS**

Sec. 6-1. Purpose

Recognizing that Events enhance the quality of life for residents and visitors alike, and provide substantial economic benefits related to additional tourism, the Town seeks to encourage Events. Because Events place increased demands on public services (increasing traffic congestion, reducing parking availability, increasing trash collection needs, increasing police patrols and calls, and increasing emergency medical calls), it is the purpose of this Ordinance to (a) establish a structured process for evaluating the impact of Events on the public, (b) coordinate Town services provided to Events, (c) assess and collect fees to offset the cost to the Town of Events, (d) ensure the health and safety of Event patrons, and (e) protect the rights and interests granted the holder of an Event Permit.

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It is further the purpose of this Ordinance to create a class of itinerant merchants - itinerant merchants who sell *only* at Events that are subject to a valid Events Permit - who will not be required to pay the Town’s Business, Professional, and Occupational License Tax, and to exempt all vendors at Events that are subject to a valid Events Permit from collecting and remitting the Town’s Meals Tax.

Sec. 6-2. Definitions

- A. Event. An activity is an Event governed under this Ordinance *only if* it is an “Identified Activity,” hereinafter defined, that occurs on (1) property owned by the Town of Purcellville, (2) property owned by another governmental entity and located within the Town of Purcellville’s corporate limits (including public streets, public rights-of-way, and other public property) when the Identified Activity incudes more than three vendors selling Goods, (3) private property, when any part of the ~~identified-activity~~Identified Activity is conducted outside ~~ana permanent~~ enclosed structure, (4) private property, when the ~~identified-activity~~Identified Activity is conducted inside ~~ana permanent~~ enclosed structure and more than 250 people are anticipated to attend over the duration of

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the Event, or (5) private property, when the ~~identified-activity~~Identified Activity is (i) conducted inside ~~an~~a permanent enclosed structure, (ii) anticipated to have fewer than 250 people in attendance over the duration of the Event, and (ii) planned to have more than three vendors selling Goods.

The following are expressly excluded from the definition of Event: (i) a funeral procession supervised by a licensed mortuary; (ii) a Farm and Community Market governed under Ordinance 10-12-02; (iii) performances on private commercial patios; (iv) the existence of a food truck on private property when no activity is occurring on the property other than the food truck and the principal use of the property; (v) yard sales conducted on property that is residentially-occupied or owned by a homeowners' association, (vi) neighborhood block parties on property owned by a homeowners' association, and (vii) an Identified Activity produced and sponsored by an Institutional Use (herein defined) on property occupied by the same Institutional Use, so long as such Identified Activity (a) does not include more than three outside vendors selling Goods, and (b) is not located on property owned by the Town.

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- B. Identified Activity. An Identified Activity is one of the following activities: (i) festival, (ii) carnival or circus, (iii) concert for which a ticket is needed or a donation is encouraged, (iv) parade, (v) performance, (vi) tournament, as hereinafter defined, (vii) race on public streets, (viii) neighborhood block party on a public street, (ix) demonstration, or (x) sale of Goods, as hereinafter defined.
- C. Event Permit. An Event Permit is a permit issued by the Town to the organizer of an Event that allows a particular Event to occur and without which the particular Event may not lawfully occur.
- D. Event Organizer. An “Event Organizer” is the person or entity that applies for an Event Permit and who is responsible for the Event. An Event Permit, if granted, is issued to the Event Organizer.

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- E. Tournament. A “Tournament” means a series of sport, game, or exercise contests between a number of visiting competitors or teams, who compete for an overall prize or title. To be a “tournament” under this Ordinance, the visiting competitors or teams must be participating in a competition that includes teams from across the Commonwealth of Virginia, or a larger territory. A tournament that ~~include~~includes teams from only the northern Virginia region is not a “tournament” under this Ordinance.
- F. Goods. “Goods” are items manufactured or produced for sale and include durable goods, non-durable goods such as food and beverage, and artistic goods such as original art, textiles, and crafts.
- G. Institutional Use. “Institutional Use” includes schools, colleges, churches, museums, libraries, community centers, and public safety facilities.

Sec. 6-3. Event Permit

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- A. Permit Required. No person may hold an Event unless an Event Permit is first obtained from the Town. An Event held without an Event Permit is unlawful activity, subject to penalty in accordance with this Ordinance.
- B. Event Organizer. Each Event must have a designated Event Organizer, to whom the Event Permit is issued.
- C. Permit Application. A complete Application for Event Permit (“Application”) must be submitted by the Event Organizer. An Application is complete when it meets all of the Application Submission Requirements set forth below. The Town’s Event Specialist, or equivalent position, will review the Application for completeness and, once complete, will distribute a copy of the Application to each Town Department affected by the proposed Event for their review. Each Town Department affected by the proposed Event will review the Application against the regulations set forth herein, will provide comment regarding the impact of the Event on Town services, and will make suggestions for approval or denial. The Application will be reviewed by the Town for impacts to,

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compliance with, and recommendations regarding the following: Emergency Medical Services, Police, Risk Management, Traffic Operations, Sanitation Services, Zoning, Fire and Rescue, Business Licensing, and Taxation.

D. Application Submission Requirements

(1) Application Form. A completed application form must be submitted with the Application. If the proposed Event is to occur on private property, the application form must be signed by the Owner of such property and the Event Organizer. The application form must include a specific and accurate written representation of the proposed Event so that the Town may identify the required level of Town services.

(2) Application Fee. The Event Organizer shall submit with the Application a non-refundable fee to cover the cost to the Town of reviewing and acting on the

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Application, made payable to the Town of Purcellville. The Application fee is set forth on the Town’s Master Fee Schedule.

- (3) Comprehensive Event Plan. A comprehensive event plan must be submitted with the Application that shows:
- a. The event venue, including streets and areas that are part of the venue. If the event is a moving event (e.g. race, parade, etc), label the direction of the route
 - b. All proposed street closures. No street closure shall be granted by the Town unless the Town first determines that:
 - i. such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
 - ii. such street closing would not be unduly injurious to public safety and convenience; and

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- iii. VDOT consent has been granted if VDOT consent is required;
and
 - iv. adequate provision can be made to detour through-traffic
during the Event; and
 - v. the Event Organizer will furnish a public liability and property
damage insurance contract, meeting all the requirements of the
Code of Virginia § 15.2-2013, as amended.
- c. A description of the general area needed for parking spaces, trailers,
vendors, performers, equipment, amusement rides, animals, stages,
bleachers, tents, toilets, trash barrels, and other information that will
assist the Town in reviewing the proposed Event
 - d. Emergency Access (at least 20 feet wide) into the Event area
 - e. The location of electrical generators
 - f. Enter and Exit locations for enclosed or fenced-in Events
 - g. All ADA-Compliant access points to the Event
 - h. If applicable, a shuttle plan

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- (4) Event Schedule. The Application must include an Event Schedule that provides a detailed timeline of the Event, including set-up, tear-down, and clean-up.
- (5) Security Plan. The Application must include a description of the size, type, activities, time of day, and location of the Event so that security needs may be assessed.
- (6) Emergency Services Plan. The Application must include a description of the nature and quantity of emergency services provided for the Event.
- (7) Anticipated Attendance. The Application must include the anticipated attendance at the Event.
- (8) Vendors. The Application must identify whether vendors will be participating in the Event. If vendors will be participating, the Application must identify the

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estimated number of vendors, and whether any vendor will be selling weapons such as knives or guns.

(9) Loudoun County Event Information Form. The Application must include a completed Loudoun County Event Information Form.

(10) Signage. The Application must include a Sign Plan that conforms to the sign regulations set forth in the Town Zoning Ordinance.

E. Application Submission and Review Deadlines.

The completed Application should be submitted as early as possible, but no earlier than 12 months prior to the Event. The Town will complete its review of an Application within 120 days, provided all information and materials requested by the Town are promptly provided by the Event Organizer. Applications submitted fewer than 120 days prior to the Event may be rejected without review if the

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Town’s Event Specialist determines that the size and complexity of the Event coupled with the volume of Applications under review by the Town make it unlikely or impossible to process the Application prior to the Event date; the Town assumes no liability if an Application submitted fewer than 120 days prior to the Event date is accepted for review by the Town but cannot be fully processed prior to the Event date. Applications submitted fewer than 120 days prior to the Event, if accepted for processing, will be subject to a fee for expedited review as set forth on the Town’s Master Fee Schedule. Each Application will be processed in the order it is received. If multiple Applications are received simultaneously, then the Town will utilize a lottery system to select the order in which such Applications will be processed. If multiple Applications are received simultaneously for the same venue and the same date, then the Town will utilize a lottery system to select only one such Application for review and action, and may deny the other Applications pursuant to Section III.F.(1) of this Ordinance. The Town reserves the right in its sole discretion to reject an Application if it is submitted fewer than 15 days prior to the proposed Event.

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F. Criteria for Event Permit Approval.

An Application for Event Permit will be approved if it meets all of the following criteria for Event Permit Approval: Note that for Events conducted at an Agricultural Operation, as defined under Va. Code 3.2-300, a legal determination is needed to determine whether an Event Permit may be required.

- (1) Venue is available. The proposed venue must be available for the requested date and time. The proposed venue must be able to accommodate the expected participants, including vendors and exhibitors, without posing a security or safety risk. Events are permitted in all Town zoning districts.
- (2) Date; Time; Duration. Events must have a specific start date and time and a specific end date and time. The date, time, and duration of the Event must not conflict, impact, or directly compete for resources previously approved by the Town, or with scheduled construction, scheduled maintenance, previously

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approved Events, or Event Permit Applications that have already been accepted by the Town for review. Events must conclude no later than 11:00 pm on Friday and Saturday nights, and on the night before a federal holiday. Events must conclude no later than 9:00 pm on all other nights. Events may commence no earlier than 7:00 am on Saturdays, Sundays, and federal holidays. Events may commence no earlier than 9:00 am on all other days.

- (3) Limitation on the number of Events. No more than one Event per month is permitted on each privately-owned parcel of land. If an Event is not conducted in a given month, the opportunity to have an Event is lost for that month and may not be carried over into a different month. For purposes of this paragraph, “privately-owned parcel of land” is defined to mean a particular parcel identification number, as assigned by Loudoun County. There is no limit to the number of Events that may occur on public property.

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- (4) Venue Owner and Event Organizer are in Good Standing. If either the owner of the Event venue or the Event Organizer is not in good standing with the Town with regard to fees, taxes or other obligations, including but not limited to parking tickets and personal or real property taxes, the Town reserves the right to deny the Application for Event Permit.
- (5) Certificate of Insurance. Prior to issuance of an Event Permit for an Event located on property owned by the Town of Purcellville or property owned by another governmental entity, the Event Organizer shall submit to the Town (i) a Certificate of Insurance demonstrating current comprehensive general liability insurance of at least \$1,000,000 per occurrence for bodily injury and property damage, or such higher amount as may reasonably be deemed necessary by the Town based on its risk assessment, (ii) a Certificate of Insurance demonstrating a deductible in an amount no higher than \$1,000.00, and (iii) an Endorsement to the general liability policy naming the Town of Purcellville as an additional insured. The Certificate of Insurance and Endorsement are required to ensure that the

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Town of Purcellville is not held financially responsible for any incidents or lawsuits that are indirectly or directly related to the Event. The insurer must be licensed to conduct business in the Commonwealth of Virginia and must have an A. M. Best rating of A- or better.

(6) Public Property Accepted in As-Is Condition. The Event Organizer must accept the public property as-is; the Town does not warrant that any public area is suitable for the activities to be conducted as part of the Event. The Event Organizer is solely responsible for any damages or injuries resulting to any person or property arising from the Event. The Town expressly reserves all sovereign and governmental immunity to which it, and its officers, officials, and employees may be entitled to under the laws of the Commonwealth of Virginia.

(7) Event Services Fees. Each Event will be evaluated by the Town for its impact on Town property and services. The Town will identify the cost to the Town to service the Event and will assess and collect those costs against the Event

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Organizer as a condition to issuing an Event Permit. Fees will be assessed in accordance with the Event Services Fee Schedule set forth in the Town’s Master Fee Schedule. The costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, property maintenance, prompt restoration, and monitoring.

(8) Mitigation of Issues. All issues identified by the Town in its review of the application are mitigated by the Event Organizer, including but not limited to litter prevention, portable restrooms, traffic control, parking, public safety, emergency services, and clean-up. Such mitigation shall be documented by amending the Event Permit Application.

(9) Requirements Met. The Application for Event Permit complies with all requirements set forth in these regulations and all other Town Ordinances. _

G. Permit Denial.

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If an Event Permit Application fails to meet one or more of the Criteria for Event Permit Approval, the application will be denied in writing, with the reasons for denial specified. Common reasons for denial of an Event Permit Application may include:

- (1) Receipt of Multiple Requests. A fully executed and complete application was previously received by the Town for the same venue and date, and the venue requested for the Event will not reasonably accommodate multiple Events.
- (2) Dangerous Activity or Location. It reasonably appears that the proposed activity will present a danger to the public safety or health, or would be unlawful. Examples of unlawful activity include, without limitation, instances in which a permit or license is required by the Virginia Department of Health or the Virginia Department of Alcohol Beverage Control, and has not been obtained.

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- (3) Incompatible Use. The proposed venue cannot reasonably accommodate the nature or duration of the proposed Event, or is otherwise incompatible or inconsistent with the proposed Event.
- (4) No Responsible Person or Entity. There is no person or entity authorized to sign an application on behalf of a group applying for a permit, or there is no person or legal entity willing to accept responsibility for the group's adherence to the limitations set forth within these regulations.
- (5) Size of Event. The existing Town infrastructure cannot reasonably accommodate the proposed Event, given the Event's anticipated attendance.
- (6) Failure to Meet the Criteria for Event Permit Approval. The Event Permit Application does not meet one or more Criteria for Event Permit Approval, as set forth in these regulations.

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H. Road Races.

In addition to other regulations contained herein, road races must also meet the following conditions:

- (1) A maximum of six road races will be allowed each calendar year, with no more than one road race to occur in a given month.
- (2) All road races must be held on Sundays.
- (3) Applications will be considered in the order they are received; if multiple applications are received simultaneously, then the applicants will be selected by lottery.
- (4) No road race whose route is entirely within the Town of Purcellville may exceed 5K.

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I. Permit Revocation.

An Event Permit may be revoked by the Town prior to the Event or during the Event, as set forth below. Upon revocation of an Event Permit the Town shall notify the Event Organizer, specifying the reason for the revocation. An Event Permit may be revoked by the Town under the following conditions:

- (1) An Event Permit may be revoked by the Town prior to the Event upon a finding by the Town that there is a violation of a rule, ordinance, law, regulation, or a violation of a condition of the Event Permit, and the Event Organizer failed to cure such violation after reasonable notice.
- (2) An Event Permit may be revoked during an Event upon finding by the Town that:
 - a. continuation of the Event presents a danger to the public health or safety, including inclement weather, or
 - b. violation of an applicable law or regulation at the Event cannot reasonably be mitigated other than by terminating the Event.

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I. Street Closures

- (1) No public street may be closed for any Event, unless done pursuant to an Event Permit expressly authorizing such street closure. No street closure shall be granted by the Town unless the Town first determines that:
- a. such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
 - b. such street closing would not be unduly injurious to public safety and convenience; and
 - c. VDOT consent has been granted if VDOT consent is required; and
 - d. adequate provision can be made to detour through-traffic during the Event; and
 - e. the Event Organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.

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(2) No street may be closed for an Event except on a temporary basis, not to exceed 48 hours in duration.

(3) If the circumstances of a proposed Event are such that a street closing is necessitated because the Event will likely impede vehicular or pedestrian travel, then the Town will require a street closing in connection with the Event even if such closure is not requested by the Event Organizer. If all conditions for street closure cannot be met when street closure is necessitated by the Event, then the Event Permit will be denied.

K. Speech, Advertising and Solicitation at Events. For Events held on property owned by the Town of Purcellville, the Town may impose restrictions on the time, place, and manner of speech protected under the First Amendment to the United States Constitution, provided that such restrictions are content neutral, are narrowly tailored to serve a significant governmental interest, and leave open ample alternatives for communication.

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Sec. 6-4. Priority of Use

Events that are entirely or largely sponsored by the Town shall have priority use of public property. The Town reserves the right to cancel an Event on public property at any time due to unforeseen emergency circumstances.

Sec. 6-5. Vendors at Events

- A. Health and Licensing Requirements. The Virginia Department of Health (“VDH”) requires that all food or beverage operations hold a permit issued by VDH when a sale price is associated with the exchange of food or beverages, or when food or beverages are free to the general public. The Event Organizer is responsible for ensuring that all food and beverage vendors have obtained such permit from VDH prior to the Event. A list of all food and beverage vendors must be submitted to the Town no fewer than thirty (30) days prior to the Event.

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B. Business Professional and Occupational License (“BPOL”); Taxes. All Itinerant

Merchants at a permitted Event, including the Event Organizer, are exempt from obtaining a Business, Professional, and Occupational License (BPOL) and paying BPOL Tax for that Event. All vendors at a permitted Event, including the Event Organizer, who have been issued a Business Professional and Occupational License by the Town of Purcellville are exempt from including revenues from the permitted Event in their report of gross receipts. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended.

C. Meals Tax. All Itinerant Merchants at an Event, including the Event Organizer, are

exempt from collecting and transmitting to the Town the Meals Tax for that Event. All vendors at a permitted Event, including the Event Organizer, who have been issued a Business Professional and Occupational License by the Town of Purcellville are exempt from collecting meals tax at that Event.

Sec. 6-6. Alcohol

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Alcohol is not permitted on public property during any Event unless the Event Permit specifically allows for it and all alcohol-related Event Permit Conditions are met, including a requirement that the Event Organizer provide proof of Liquor Liability Insurance in the minimum amount of one million dollars on an "occurrence" basis, naming the Town of Purcellville as Certificate Holder. A copy of the Certificate must be provided to Town at least thirty (30) days prior to the Event.

If alcohol service is allowed under the Event Permit, the Event Organizer is responsible for checking the identification of all persons being served alcohol, as well as for ensuring that all persons acting as servers are age 21 or older. Event Organizers should also ensure that people with disabilities are able to take alcoholic beverages to the accessible viewing area. It is the servers' responsibility to make sure that intoxicated persons are not served.

If the Event is sponsored or assisted financially by the Town, or if the Event is held on Town property, then a list of names of the volunteer alcohol servers must be submitted to the Town with the Event Permit Application and prior to issuance of an Event Permit.

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If alcohol is permitted at the Event, the Event Organizer must contact the Virginia Department of Alcohol Beverage Control at least 21 days prior to the Event to determine if a license is needed. If an ABC license is required for an Event that is held on public property or sponsored financially by the Town, then a copy of the ABC license must be provided to the Town no later than 7 days prior to the Event.

Sec. 6-7. Public Assembly

Nothing in this Ordinance shall be construed to prevent members of the public from assembling in the public parks or public streets for the purpose of demonstrating, making any speech, or conveying any message to the public or to the government, provided that they have complied with all other ordinances and provided they are peaceable and not in violation of any laws concerning the public order.

Persons assembling without an Event Permit will not be entitled to the benefits provided by these regulations, including, but not limited to, the right to (a) erect stages, barricades,

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utility poles, booths, tents, or other temporary structures, (b) the assistance of Town personnel in carrying out their Event, or (c) exclusive or reserved use of the facility unless otherwise authorized by some other ordinance or law.

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Sec. 6-8. Town Events; Town Donations to Events

- A. Town Events. Certain Events are organized and paid for by the Town (“Town Events”) and include Painting Purcellville Green, Public Safety Day, the Memorial Day Ceremony, Summer Movie Nights, the 4th of July Parade, the 9/11 Memorial Ceremony, the Town of Purcellville Holiday Events (December), the Food and Wine Festival, the Music and Arts Festival, and the Loudoun Grown Expo. ~~These Events are not eligible for Town donations, as described below, because~~So long as the Town assumes complete cost of these Events is included in the Town budget, including the application processing costs and the cost of required Town services, responsibility for these Events, they remain ineligible for Town Donations (described below). Should the Town cease to assume complete responsibility for a Town Event, then such event will no longer be a Town Event and will be eligible for Town Donations to Events under the process described below.

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B. Town Donations to Events. The Town Council may, in its sole discretion each year, elect to designate ~~funds~~ in its annual budget ~~for donations~~ certain services and funds for donation to Events. Applications for such ~~donations~~ services and funds must be submitted to the Town no later than December 31st each calendar year, to be considered for inclusion in the budget adopted by Town Council the following calendar year. The Town’s Event Specialist will review all applications and will make a recommendation as to each application to the Town Council. Applicants will be notified of the Town Council’s decision to allocate funds for donation by July 1st of the calendar year following submittal of the application for donation. Donations awarded in one year will not automatically be repeated in following years; applications for donation must be submitted to the Town each year. An application for donation must meet all of the following criteria in order to be approved:

- (1) The Town Council must determine that the proposed Event will do at least one of the following: (a) draw tourists to the Town, (b) provide a heritage, historical, or cultural experience or education that is relevant to the Purcellville area or of benefit to Purcellville residents, or (c) raise money or collect goods for a social

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service that benefits the residents of Purcellville, such as fire & emergency rescue services, housing assistance, animal control & adoption, and food assistance.

- (2) The applicant for donation is an organization authorized to receive donations from the Town under Code of Virginia § 15.2-953, as amended, and the applicant provided proof of such statutory compliance with its application for donation.

Funds approved by the Town for donation to an Event will be distributed to the Event Organizer only after the Event Permit Application has been approved in accordance with these regulations. If the Event for which funds were donated is cancelled, the Event Organizer shall promptly refund the donation to the Town.

Sec. 6-9. Town Services; Fees

- A. ~~Town Services; Fees.~~ Events that require ~~the following~~ services such as site preparation, set-up, clean-up, event planning, police, street closure, or other health and safety services, as determined by the Town, shall not be issued an Event Permit unless ~~the~~such services have first been secured and if such services are to be provided by the Town, paid for.

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The Event Organizer may secure the required services from the Town, provided such services are available for the date of the Event, by paying the Town’s estimated cost for such services in accordance with the ~~following~~ Town Services’s master fee schedule, or may secure the services privately and provide evidence to the Town of the same.

~~B. Town Services Fee Schedule. The following Town Services are available, and may be required as a condition to issuance of an Event Permit:~~

- ~~(1) Street Closure Fee (\$100.00 per day or portion thereof)~~
- ~~(2) Town Events Specialist services, beyond application review (\$30.00 per hour)~~
- ~~(3) Police Services (up to \$60.00 per Town officer per hour)~~
- ~~(4) Public Works services (up to \$60.00 per Town employee per hour) (5) “No-Parking” sign rental (\$5.00 per sign per day)~~

~~B. C. Contingency; Reconciliation.~~ Because the need ~~for Town Services~~ and associated cost for services provided by the Town is based on event planning estimations, the Town will assess a contingency fee against the Event Organizer equivalent to 10% of the estimated cost for services provided by the ~~Town services~~, as a condition to obtaining an Event Permit. After the Event, if the Event Organizer can show that the Town services paid for

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by the Event Organizer were ~~less~~greater than the Town services actually received, the Town will reimburse the Event Organizer for any overpayment.

C. ~~D.~~ Event Permit Application Fee. The Event Permit Application Fee is a fee that covers the Town’s administrative cost to process the Event Permit Application, and is required regardless of whether any Town Services are required.

D. ~~E.~~ Refunds. If the Event is canceled by the Event Organizer, any fees paid for Town services, but not the Event Permit Application Fee, will be refunded on a pro-rated basis in order to pay for services rendered by the Town prior to its notification of cancellation, and services that have been contracted for and cannot be cancelled without cost.

Sec. 6-10. Marketing and Contracts

Acceptance by the Town of an Application for Event Permit does not constitute approval of the Event. The Event Organizer should ensure that the Event is approved and the Event Permit is issued before the Event is promoted or marketed, and before any contracts or other legal obligations for the Event are entered into.

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Sec. 6-11. Waiver (see Matrix Item Number 31)

The Town Manager, or his designee, will grant a waiver to Event Ordinance requirements if he finds: (i) the waiver was requested in writing, (ii) good reasons justify granting the waiver, (iii) granting the waiver will not compromise the purpose or intent of the Ordinance, and (iv) granting the waiver will not compromise the public health, safety or welfare. The Town’s grant or denial of each waiver request shall be set forth in writing and shall specify the grounds on which the waiver was either granted or denied. If the Town denies a waiver request, the Event Organizer may appeal such denial to the Circuit Court of Loudoun County.

Sec. 6-12. Penalties

Conducting an Event without an Event Permit is subject to a civil penalty of up to \$1,000 per violation. Other violations of these regulations may be subject to a civil penalty of up to \$500 per violation. (Ref. Va. Code § 15.2-1429)

Sec. 6-13. Enforcement

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This Ordinance shall be administered and enforced by the Town Manager or his designee.

[INSERT EVENTS ORDINANCE FLOW CHART]

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PASSED THIS ____ DAY OF _____, 2015.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

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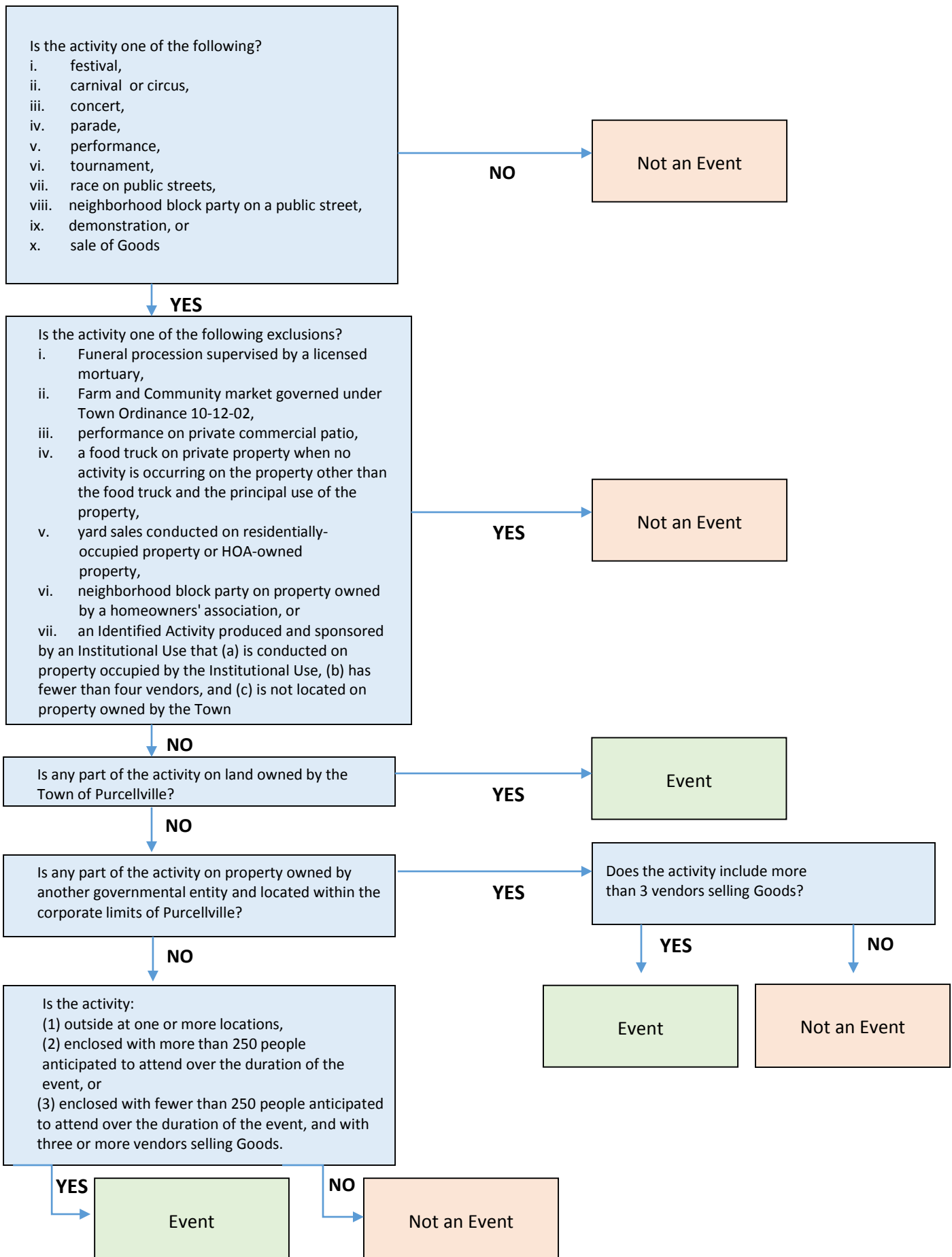
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Description	Events Ordinance 9.8.15 (reflects changes rec. for PHC)
Document 2 ID	file://Y:\Ordinances\Events\Ordinance Drafts\Events Ordinance 10.27.15 (reflects corrections of mistakes caught based on flow chart review plus last matrix comment responses).docx
Description	Events Ordinance 10.27.15 (reflects corrections of mistakes caught based on flow chart review plus last matrix comment responses)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
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Statistics:	
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Format changed	0
Total changes	58

Events Ordinance Flow Chart



Events Ordinance – Matrix of Comments, Questions and Responses

(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
1.	Community Development	Clarify the highlighted language.	<p>Section I, Definitions:</p> <p>“The following are not Events under this Ordinance: a funeral procession supervised by a licensed mortuary; a Farm and Community Market governed under Ordinance 10-12-02; performances on private patios; the existence of a food truck on private property when no other activity outside the normal course of business is associated with the food truck; yard sales conducted on residentially-occupied property.”</p>	<p>I agree this language could use clarification.</p> <p>This language is included because Food Trucks constitute a use that is not allowed under the Zoning Ordinance. If the Events Ordinance is adopted, Food Trucks will be allowed under the Zoning Ordinance, but only when part of an Event. The Town wants to avoid having places of business bring in a food truck and call the food truck an “Event” as a way of getting around the fact that Food Trucks are otherwise not permitted uses.</p>	The committee amended the highlighted language to state, “the existence of a food truck on private property when no activity is occurring on the property other than the food truck and the principal use of the property.”	
2.	Community Development	As long as it is a permitted use in the district it will be held in.	<p>Section III.E.5. <u>Criteria for Event Permit Approval</u></p> <p>“Location. Events will be allowed to occur on all public property and on any private property with a non-residential zoning district designation.”</p>	<p>Staff's proposal is to amend the Zoning Ordinance to allow “Event” as a principal use in each non-residential zoning district and also on public property.</p> <p>One issue that results is that “neighborhood block parties” are defined to be “Events” under the Draft Ordinance. Some neighborhoods have private streets and are zoned residential. In such case, the block party would not be allowed to occur unless it were relocated to a publicly owned property.</p>	Section III.E.1. was revised to state that Events are permitted in all zoning districts.	

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	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
3.	Community Development	Please add (12) Conformance to Zoning Regulations – Events must conform to regulations set forth in the Town Of Purcellville Zoning Ordinance	Section III.E.11. <u>Criteria for Event Permit Approval</u> <u>Requirements Met.</u> All requirements set forth within these regulations have been met.	The goal is to have all Event criteria located in the Event Ordinance. Is there an example of something in the Zoning Ordinance that would apply to Events? Perhaps, the suggestion is to refuse Event permits to those who own properties with existing Zoning Violations?	Amend Section III.E.11. (now III.E.(9)) to state, “ <u>Requirements Met.</u> The Event Permit Application complies with all requirements set forth in these regulations and all other Town Ordinances.”	
4.	Community Development	This may need to be removed. In the example of a block party, all of the vendors and food trucks will be advertising with banners or signage.	Section III.I.2. Street Closures “no advertisement of any business shall be displayed in or on the public rights-of-way in connection with a street closure;”	True. Road Races can also result in street closures with vendors/food trucks.	Delete the referenced language and add Section III.J. to address advertising and solicitation at Events.	
5.	Finance	The ordinance does not incorporate INSIDE a “host business” retail vendor sales. Examples: (1) Carver Center holiday bazaar; (2) Dragon Yong-In has an event to showcase Tae Kwon Do that includes vendors selling equipment; (3) vendor table/booth sales inside any other business. The vendors that set-up at these events are itinerant merchants who are subject to taxation unless exempted under this Events Ordinance.	I. Definition (Now Section II.A)	You are correct, under the current Definition, these examples are not “Events” unless they occur outside, or are anticipated to have more than 250 people attend.	Amend the definition of Event to include “identified activities” that (i) occur inside an enclosed structure, (ii) are anticipated to have fewer than 250 people in attendance over the duration of the Event, and (iii) are planned to have <u>more than three vendors selling Goods.</u> This should address the issue of organized itinerant vendor sales occurring inside a building, but should avoid capturing “home parties” where three or fewer vendors sell direct-sale items to their friends such as Avon/Mary Kay, etc.	

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6.	Finance	Event Service fees: Are these going to be required to be PAID up front (not just assessed) because collection after an event is nearly impossible. It’s not clear payment is due in advance	<p>Section III.E.9. <u>Criteria for Event Permit Approval</u></p> <p><u>Event Services Fees.</u> Each Event will be evaluated by the Town for its impact on Town property and services. The Town will identify the cost to the Town to service the Event and will assess and collect those costs against the Event Organizer as a condition to issuing an Event Permit. Fees will be assessed in accordance with the Event Services Fee Schedule set forth in the Town’s Master Fee Schedule. The costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, property maintenance, restoration, and monitoring.</p>	It is intended that payment be made prior to issuance of an Event Permit.	<p>The is now Section III.E.(7.)</p> <p>After receiving your comment, I revised the text to read (and it now reads),</p> <p>“The Town will identify the cost to the Town to service the Event and will <u>assess and collect</u> those costs against the Event Organizer as a condition to issuing an Event Permit.”</p> <p>The Events Committee made no changes to this language. No further amendment should be needed.</p>	
7.	Finance	Add NSF checks as additional reason to revoke permit.	<p>Section III.H. Permit Revocation.</p> <p>“An Event Permit may be revoked by the Town prior to the Event upon a finding by the Town that there is a violation of a rule, ordinance, law, regulation, or a violation of a condition of the Event Permit.”</p>	As the Ordinance is currently worded, the Event Permit can be revoked for a violation of a condition of the Event Permit, which includes payment of the fee. Nonetheless, I do not mind calling it in Section III.H.1.	Because NSF checks constitute “non-payment,” and payment is required as a condition of obtaining an Event Permit, no change was made to the language by the Events Committee.	

Events Ordinance – Matrix of Comments, Questions and Responses **(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)**

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney’s Response	Recommendation of the Events Committee	Final Action By Council
8.	Finance	How does a Town sponsorship impact the permitting process for Events? It isn’t clear why this section exists beyond informing people that the Town can indeed sponsor events with other groups.	<p>VIII. <u>Town Sponsorship of Events</u></p> <p>The Town may elect to designate funds in its annual budget for contributions to Events. Applications for Town contributions may be made to the Town and will be evaluated and acted upon in the order in which they were received. The Town evaluates requests for contributions against certain criteria, which are as follows:</p> <p>(1) The Town may contribute money only to charitable organizations. Proof of the Event Organizer’s not-for-profit status must be provided as part of the application.</p> <p>(2) The Event is considered by the Town to draw tourists or to provide economic development opportunities to the Town.</p> <p>(3) The Event is considered by the Town to provide a cultural opportunity that would benefit the public.</p>	<p>The purpose of this section is to inform Event Organizers that they can apply to the Town for sponsorship of their event, and to notify the public of the criteria by which the Town will review such applications.</p> <p>In some cases, the Town may be the Event Organizer. The Town must comply with its own Event Ordinance when it is the Event Organizer.</p>	This section VIII. Was retained by the Events Committee, although the content was further developed and substantially changed to include (i) deadlines for applications for donation, and (ii) a review process.	

Events Ordinance – Matrix of Comments, Questions and Responses

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9.	Council Member Packard	<p>Section V, sub B, reads "All Itinerant Merchants at an Event, including the Event Organizer, are exempt from obtaining BPOL License and paying BPOL tax for that event." I think that makes clear they don't need to deal with BPOL fees, but they would still have to pay the "Itinerant Merchant Business License Tax", which I assume is not BPOL.</p> <p>That said, section 6 of the staff report suggests the concept was to have only the event organizer pay the Itinerant fee, but I don't think the section clearly states that. I would add something to make clear only one fee is to be paid.</p>	<p><u>“Business Professional and Occupational License (“BPOL”); Taxes.</u> All Itinerant Merchants at an Event, including the Event Organizer, are exempt from obtaining a BPOL License and paying BPOL tax for that Event. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended.”</p>	<p>“Itinerant Merchant” is a business classification within the Business License Tax, and is a BPOL Tax. Under the existing language, no Itinerant Merchant who sells at an Event would be assessed the BPOL Tax (ie; the Itinerant Merchant tax).</p> <p>The idea under this Ordinance is to have the Event Organizer pay the Event Services Fee, but pay no tax. The Event Services Fee is set forth in Section III.E.7. of the Draft Ordinance.</p>	<p>The text that was the subject of this comment was amended to address an issue that was not raised in this comment: to clarify that all vendors at an Event, including the Event Organizer, are exempt from reporting revenues from the Event in their gross receipts for the purposes of BPOL.</p>	
10.	Council Member Packard	<p>The other thought is related to the skating rink and town property around it. Mr. Message asked about the ability of the property manager to hold events under the umbrella of their non-profit. My assumption is many of the organizations are not nonprofit and we would be requiring the \$500 fee per event, which he is asking to have changed.</p>	<p><u>Sections V.B. and V.C.</u></p> <p><u>“Business Professional and Occupational License (“BPOL”); Taxes.</u> All Itinerant Merchants at an Event, including the Event Organizer, are exempt from obtaining a BPOL License and paying BPOL tax for that Event. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended.”</p>	<p>Events at the Bush Tabernacle would be exempt from BPOL tax under this Draft Events Ordinance. However, the Event Organizer would have to pay a fee for any Town services (including the application processing fee) that are needed to support the Event (<u>see</u>: Event Services Fee set forth at Section III.E.9. of the Draft Ordinance).</p>	<p>The Events Committee did not recommend a change to the ordinance to address this issue. As a matter of policy, the Committee agreed that for-profit vendors should not automatically be able to piggy-back on the non-profit, tax exempt status of the owner of the building in which their for-profit event is held. However, the Committee did concur that a certain number of Event Permit Application Fees could be included / covered under the Contract between the Town and the entity that operates the Bush Tabernacle. Further, if the activity at the Bush Tabernacle qualifies as an Event, the vendors at such Event will be exempt from BPOL/Meals Tax under this ordinance.</p>	

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11.	Council Member Packard	Does the definition of Event include sporting games at Fireman's field or the baseball fields around it?	The current definition of Event includes “athletic tournament”	The intent was not to include every single sporting game, which would capture every football game at Valley, but to include tournaments that involve a series of games. For example, Staff intended to include the Babe Ruth Series.	The Events Committee deleted “athletic” from “tournament” so as to include other games, and added a definition for “Tournament.”	
12.	Council Member Packard	What difference is there between an exhibition game versus an upper Loudoun football game?	II.E. (Definitions)	If there is concern about inadvertently including local high school tournaments, etc., it might be advisable to refine the definition of “tournament” so that it includes only tournaments in which teams from across the entire state, or a larger territory, compete. This would exclude tournaments with players from northern Virginia, for which visitors are most likely to return home each night. I have revised the definition of “tournament” at Section II.E. accordingly.	The Events Committee recommends excluding from “Events” tournaments that include teams or competitors from northern Virginia, and supports a definition of “tournament” that includes only those competitions for which visitors come from around the state, or from a farther distance, and are more likely to spend the night in or near Purcellville.	
13.	Council Member McConville	Why must application be submitted 120 days in advance of the Event date? Can we shorten to say 60 days? I would think 2 month notification would be enough.	Section III.D.3. <u>Permit Application Deadline.</u> The completed application should be submitted as early as possible, but no earlier than 12 months prior to the Event and no later than 120 days prior to the Event.	The Town’s Event Specialist has indicated that this is the amount of time needed to evaluate and prepare for an event. It is possible that small events would not need this much time. We can discuss this more at Council worksession.	The Events Committee amended this section so that the Town has (i) the ability to reject applications for large events submitted fewer than 120 days before the Event, (ii) a fee for expedited review on those applications submitted fewer than 120 days before the Event that can be processed, and (iii) the ability to reject without reason any application submitted fewer than 15 days before an Event.	
14.	Council Member McConville	I do not like the random drawing; in my opinion this should be a first come first serve item.	Section III.D.3. <u>Permit Application Deadline.</u> If multiple applications are received simultaneously, then the applicants will be selected by random drawing.	The intent of the Ordinance is to accept applications on a first come, first served basis. Applications will be accepted at the front desk of Town Hall and will be date and time stamped. It is unlikely that two applications will be exactly simultaneous, but if that were to occur, then there would need to be a way to pick which application should receive priority. The random drawing is unlikely to be needed, but provides an objective way to break a tie.	The phrase “random drawing” was replaced with “lottery” and this section was also further clarified.	

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15.	Council Member McConville	Why are we asking the applicant to fill out a Loudoun County Form for an event in the Town on a Town property? Can we create our own form to use?	III.D.8. The Application must include a completed Loudoun County Event Information Form	The purpose of this provision is to make Loudoun County aware of the proposed Event in Purcellville, in case they need to have emergency responders available, and also so Loudoun County can inform Town Staff if there is some issue that could affect the Event. For example, Loudoun County could inform the Town if a major County roadway were to be closed, or if there were a large event in Loudoun County that would cause their Sheriff's Department to be unavailable for assistance. The purpose of the form is to achieve communication between the two jurisdictions.	The Events Committee elected to retain this provision.	
16.	Council Member McCollum	Under (a)(iii) - Definition of Events. In order to qualify as an "event" the "event" has to fall under 1 of the 3 event descriptions, correct? I am uncertain about ¶ 1(vii) "neighborhood block party" -- in my HOA, we own our streets, Is this an "event"?	Section II.A.	Yes, you are correct. You raise a good point, because under the current Draft Ordinance a neighborhood block party on private streets that are zoned "residential" would not be allowed.	The Events Committee elected to keep "neighborhood block parties" as Events, but removed the criteria that the property hosting the Event had to be non-residentially zoned. This change should address the comment.	
17.	Council Member McCollum	I don't understand the exception for "food trucks"? (¶ 1) for example, the brewery at Hatcher & Hirst. Is this parking lot considered private property? Is the food truck there covered?	Section I, Definitions: "The following are not Events under this Ordinance: a funeral procession supervised by a licensed mortuary; a Farm and Community Market governed under Ordinance 10-12-02; performances on private patios; the existence of a food truck on private property when no other activity outside the normal course of business is associated with the food truck; yard sales conducted on residentially-occupied property."	I agree this language could use clarification. This language is included because Food Trucks constitute a use that is not allowed under the Zoning Ordinance. If the Events Ordinance is adopted, Food Trucks will be allowed under the Zoning Ordinance, but only when part of an Event. The Town wants to avoid having places of business bring in a food truck and call the food truck an "Event" as a way of getting around the fact that Food Trucks are otherwise not permitted uses.	The Events Committee elected to keep the "food truck" exclusion but re-worded the exclusion to clarify its meaning. The intent is to ensure that a food truck, standing by itself, does not become an "Event" that is exempt from BPOL and Meals taxes.	

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18.	Council Member McCollum	Who is the person authorized to apply for the Event Permit?		Anyone may apply for an Event Permit – Anyone who so applies is deemed to be the Event Organizer.	Anyone may apply for an Event Permit – Anyone who so applies is deemed to be the Event Organizer.	
19.	Council Member McCollum	It appears the Event Organizer may be liable for conduct that does not adhere to regulations. Is this correct" (see ¶ F. Permit Denial).	See also Permit Revocation at Section III.H.	Yes, it is correct that the Event Organizer is responsible for the Event and for ensuring that the regulations are adhered to. The Organizer must provide insurance for the Event, for example.	Yes, it is correct that the Event Organizer is responsible for the Event and for ensuring that the regulations are adhered to. The Organizer must provide insurance for the Event, for example.	
20.	Council Member McCollum	Could you explain ¶ H, § 3?	Section III.H. Permit Revocation (3) When an Event Permit has been granted, or is deemed to have been granted pursuant to these regulations, the Town may revoke that Event Permit for any reason for which it could have been denied originally.	In re-reading this, I think you raise a good point. I don't think "3" is needed because it is really encompassed in Subsections 1 and 2 of the same Section.	Subsection 3 of Section III.H. was deleted by the Events Committee.	
21.	Council Member McCollum	I have a question about the legality of ¶ J. Solicitation & Distribution of Written Materials at Events. There are 1st Amendment issues involved. The term "harass" is vague in my opinion. Especially in light of ¶ VII Public Assembly, which I believes still requires a permit, doesn't it?	<u>Section III.J. -- Solicitation and Distribution of Written Materials at Events.</u> Persons or organizations at an Event who are engaged in the display or distribution of written or printed materials, or are engaged in the solicitation of donations, shall not obstruct or impede pedestrians or vehicles, harass Event attendees, or misrepresent the purpose or affiliations of those engaged in Event activity.	I see your point. I am not sure how much value Section III.J. adds. I think it was borrowed from another jurisdiction. We could remove it. If we discover we have a problem of this nature as Events occur, we can address the specific problems we are encountering through an Ordinance amendment at a future date.	Section III.J. was revised to address first amendment issues.	
22.	Council Member McCollum	Priority of Use: would this apply if a permit has been issued to a private party and then the Town wants to hold an event?	IV. <u>Priority of Use</u> Events that are entirely or largely sponsored by the Town shall have priority use of public property.	Yes, it would. I think this warrants further discussion by Council at a worksession.	The Events Committee revised the provision to state, "Events that are entirely or largely sponsored by the Town shall have priority use of public property. The Town reserves the right to cancel an Event on public property at any time due to unforeseen emergency circumstances."	

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23.	Council Member McCollum	Finally, based on our experiences with collection issues, have you reviewed your analysis in the Staff Report?		I may need clarification of the question. As written, the Draft Events Ordinance would not supersede the Town’s Farm and Community Markets Ordinance. However, there is a possibility we could combine the ordinances, since there are similarities. As currently drafted, though, the Events Ordinance allows each private property owner to have an Event no more than once per month.	The text was clarified that all charges and a contingency fee must be collected by the Town prior to its issuance of an Event Permit.	
24.	Parks and Recreation	We should be aware that Staff has developed Road Race Guidelines, and the Events Ordinance and Road Race Guidelines will need to be compatible.	Section III.G.	The Road Race Guidelines were provided to Town Council in the Agenda for the meeting on 1/27/15. They should be considered when working through the Events Ordinance.	Road Race Guidelines were incorporated into the Ordinance at Section III.G.	
25.	Philip Message	It [the Ordinance] applies to events on private property with attendance over 200 people. Fair enough, but it applies to all events on Town property, regardless of the size of the event. Why the distinction? Request that events at the Tabernacle are excluded if planned attendance is less than 200.	Section II.A.	Not all activity on Town property will constitute an “Event.” Only “Identified Activities” (defined) that occur on Town Property will meet the definition of Event. The “Identified Activities” are customarily considered Events across jurisdictions.	No change was recommended by the Events Committee. However, the Events Committee recommends that the Town seek to address issues related to Events in the contract between the Town and the entity that runs the Tabernacle.	

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26.	Philip Message	What is the time period for counting attendance? We have very few events that have a peak attendance of 200 people at any given time (although over the course of an entire day, we typically have attendance of 300-400 people)	Section II.A.		The Events Committee amended the definition of Event to clarify that the attendance is that which is anticipated to occur over the duration of the Event. See Section II.A.	
27.	Philip Message	The 120 day lead time is way too long. Couldn't this be closed within 30 days?	Section III.D.(3)	The original language required submission of an Event Application at least 120 days in advance of the Event. The Events Committee's amended language has softened this a bit.	The Events Committee amended this section so that the Town has (i) the ability to reject applications for large events submitted fewer than 120 days before the Event, (ii) a fee for expedited review on those applications submitted fewer than 120 days before the Event that can be processed, and (iii) the ability to reject without reason any application submitted fewer than 15 days before an Event.	
28.	Philip Message	Correct me if I'm wrong, but aren't all of the regularly scheduled games at Fireman's Field granted an exemption? If so, why?		If you mean that games at Fireman's Field are not "Events," then the response is that games at Fireman's Field are Events if they meet the definition of a "Tournament" but are not Events if they do not meet the definition of "Tournament."	Games at Fireman's Field are "events" only if they are "tournaments" as defined under the Ordinance. The Events Committee has recommended revising the definition of "tournament" so that it includes games between teams from across the state of Virginia, or a larger territory (such as a region of the U.S.). "Events" get the benefit of having vendors that are not required to pay License tax or Meals tax. Vendors at non-events must pay taxes.	

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29.	Philip Message	As an aside, the antique show is considering moving their winter show to sometime in the Fall. If so, this will almost certainly coincide with the ULYFL games at Fireman's Field. When these games are held, literally every single parking space is occupied from 8am to 9pm. What is the procedure to ensure that there's not a conflict with the antique show and ULYFL?	See Ordinance Section III.E.(2).	The Events Application and Review process is intended to prevent conflicts between Events such as the one you mention. See Ordinance Section III.E.(2). However, if the ULYFL games are not a "tournament" under the ordinance, then they will not be required to obtain an Event Permit in advance of the games being held. The Town owns Fireman's Field, but leases it to Loudoun County and does not control the schedule or use of the Field unless the games there constitute an "Event."	No change was made to the ordinance, but further discussion may be warranted. The Town's lease to Loudoun County of Fireman's Field will be under review in 2015 and may be an opportunity to address this issue.	
30.	Mayor Fraser	Will there ever be a need to have Fire and Rescue on standby at a special event? I was wondering if an event has fireworks or high risk acts (circus, amusement park like rides, stilt walkers, fire-eaters, etc) should we require Fire and Rescue presence at a cost to the organizer? The ordinance, as written, makes mention of Fire and Rescue on page 2 as part of the application review process, but does not list it on the fee schedule.	Section III.D. of the Draft Ordinance addresses Event Permit Application submission requirements.	I think this warrants an amendment to the Draft Ordinance.	Section III.D.7. has been added to require an Emergency Services Plan to be submitted with the application. Town Staff will send the Emergency Services Plan to the county department of Fire and Rescue for evaluation. If emergency services are determined by staff to be needed for the Event, such a requirement will be imposed as a Condition of the Event Permit.	

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31.	Council Member Lehr	If an aspect of the Ordinance is discovered to have negative unintended consequences, can an administrative modification to the ordinance be made?	N/A	<p>Staff is not authorized to make exceptions or grant waivers to an ordinance in order to avoid an unintended negative consequence, since such “exception” or “waiver” is effectively a modification of the ordinance that must be adopted by the legislative body.</p> <p>The Council is, however, authorized to spell-out in the Ordinance which negative consequences it would like to avoid, and can, through Ordinance language, direct Staff to handle certain situations in a specific way.</p> <p>Alternatively, the Town Council can issue waivers of certain Ordinance requirements, as a legislative body. Otherwise, shortcomings in an Ordinance are properly addressed through an Ordinance amendment adopted by Council.</p>	<p>If the Town Council would like an Administrative Waiver provision in the Ordinance, I recommend the following language be added as Section XI, and that the current Sections XI and XII be amended to Sections XII and XIII, respectively:</p> <p>XI. Waiver. The Town Manager, or his designee, will grant a waiver to Event Ordinance requirements if he finds: (i) the waiver was requested in writing, (ii) good reasons justify granting the waiver, (iii) granting the waiver will not compromise the purpose or intent of the Ordinance, and (iv) granting the waiver will not compromise the public health, safety or welfare. The Town's grant or denial of each waiver request shall be set forth in writing and shall specify the grounds on which the waiver was either granted or denied. If the Town denies a waiver request, the Event Organizer may appeal such denial to the Circuit Court of Loudoun County.</p>	
32.	Town Attorney	Should the Insurance Requirement in Section III.E.5. apply only to Events on public property? For example, under the current draft, neighborhood block parties on private streets require a \$1,000,000 insurance policy (the HOA may have this – I am not sure what is customary for HOAs). Also an Event wholly contained on private property must also have a \$1,000,000 insurance policy.	Section III.E.(5)	N/A	The Events Committee recommends that the Insurance requirement apply only to Events on public property, including public streets.	

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(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney’s Response	Recommendation of the Events Committee	Final Action By Council
33.	Town Attorney	The Zoning Ordinance will need to be amended to add “Event” as a use. Town Council will need to discuss whether Events should be allowed by-right in each Zoning District and, if so, whether any Zoning District should require additional standards/restrictions under which an Event may occur.	Section III.E.1.	For the present, I instead recommend that we craft the Events ordinance so that Events are permitted in all zoning districts. No amendment to the Zoning Ordinance would be undertaken at this time.	The Events Committee concurs that Events (as defined under the Ordinance) should be allowed in all zoning districts.	
34.	Town Attorney	It is my recommendation that the Events Ordinance be included in the Town Code at Chapter 6 “Amusements and Entertainment” and that the Events Ordinance supersede the existing “Public Dances” ordinance currently located in Chapter 6.	N/A	N/A	The Events Committee agrees and, in addition, suggests the Town retitle Town Code Chapter 6 to “Events.”	
35.	Events Committee	Should we exempt governmental entities from paying the Permit Application Fee? (Eg; Loudoun County Public Schools (but not the PTA); Carver Center, Loudoun County....)	Section III.D.(2)	N/A	The Events Committee recommends exempting Loudoun County and Loudoun County Public Schools from the application processing fee. Town Council should discuss whether those governmental entities should also be exempt from fees for specific Town services provided at Events.	

Events Ordinance – Matrix of Comments, Questions and Responses

(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney’s Response	Recommendation of the Events Committee	Final Action By Council
36.	Council Member McCollum	Do you think the Event Ordinance should have some time period within which the departments should complete their review? Such a time period would allow the Event Organizer to come into compliance or further discuss the analysis of the department.	Section III.D.(1)	I will defer this to Town Council. Currently, our events specialist processes events applications in a timely manner, without a prescribed schedule. This seems to work.	The Events Committee recommends keeping the current system in place (ie; no deadlines are imposed), allowing the process to remain iterative and fluid, since it appears to be working. See also #46 in this Matrix.	On 7/28/15 Town Council adopted a motion to impose a deadline on Staff of 120 days to review an Event Permit Application. This deadline has been added to Section III.D.(3) of the draft Ordinance.
37.	Council Member McCollum	The language that the Town is not responsible if the departments can't complete their review by the expiration of the 120 day period seems "unfriendly". If Town wants to encourage Events, then the Town should have some obligation to complete the review so the Event can be held. That said, I can't come up with a suggestion for how to address this if the subcommittee believes I am raising a valid point.	Section III.D.(3)	<p>I think this comment may stem from an ambiguity in the text. I have changed the sentence to replace “submitted <u>later</u> than 120 prior to the Event date” with “submitted <u>fewer</u> than 120 days prior to the Event date.” The intent is for the Town to assume no liability for applications submitted fewer than 120 days before the event.</p> <p>On a related issue, it may be worth asking VML if this language implies that the Town accepts liability in other instances. Municipal liability depends on whether the Town is undertaking a governmental function (no liability for Town’s ordinary negligence) or a proprietary function (potential liability for Town’s ordinary negligence), and the list of things that are categorized as “proprietary” can be surprising.</p>	<p>The Events Committee supports the text change made by the Town Attorney (from “submitted <u>later</u> than 120 prior to the Event date” to “submitted <u>fewer</u> than 120 days prior to the Event date.”)</p> <p>The Town Attorney further recommends placing a statement on the Event Permit Application Form that is substantially similar to the following:</p> <p>“I understand that it is prudent to avoid entering into event-related contracts or other legal obligations prior to the Town’s issuance of an Event Permit. Prior to issuance of the Event Permit, the Town offers no assurance that an event will be approved or that an Event Permit will be issued.”</p>	

Events Ordinance – Matrix of Comments, Questions and Responses
(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
38.	Council Member McCollum	I would add language after "lottery" (penultimate sentence) "as is more fully described in ¶ F.(1) at page 8 of the Ordinance."	Section III.D.(3)	This provision has been substantially reworded to address this comment. Please advise if an issue remains to be addressed.	The Events Committee recommends the Town Attorney's language revisions in this Section.	
39.	Council Member McCollum	The last sentence should be reviewed to clarify Permitted Use language. I would suggest language that states that although Event may be by right (i.e., Permitted Use), "Permitted Use" in District uses "Event" as defined in ¶ 11 § A of Event Ordinance.	Section III.E.(1)	I have struck the referenced sentence and replaced it, because the Events Ordinance will permit Events in all zoning districts.	The Events Committee recommends that Events be permitted in all zoning districts and that no amendment to the Zoning Ordinance be made at this time.	
40.	Council Member McCollum	Would the lights mentioned here come under § 9.4 "Exempt outdoor lighting and related acts" or § 9.5 "Temporary exemptions" or would these lights be entirely exempt?	Section III.E.(2)	<p>According to Section 9.2 of Article 6, the lighting requirements set forth in Article 6, Section 9 apply to "uses that operate during hours of darkness where there is public assembly and travel..." so, in my opinion, lighting at Events would be governed by the regulations set forth in ZO Section 9 of Article 6.</p> <p>In my opinion, lighting installed for Events would not fall under any of the exemptions listed at Section 9.4. and exemptions under 9.5 are discretionary.</p>	The Events Committee defers to the Town Attorney's response.	

Events Ordinance – Matrix of Comments, Questions and Responses

(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
41.	Council Member McCollum	Typically, insurance requirements mention a limit on the amount of the deductible or the Event Organizer's self-insurance. For example, even a policy that provides the policy limits of \$1,000,000/occurrence may have a deductible that the Event Organizer would be responsible for but in reality, it is not realistically financially able to meet this term. This impacts the Town's coverage; it makes no difference to the insurance company except to the extent that the deductible reduces the risk the insurance company will have to pay under the policy.	Section III.E.(5)	I don't believe the Town has the authority to place a cap on the amount of the deductible.	<p>The Events Committee recommended that the Ordinance place a cap on the deductible to help ensure it can be paid by the Event Organizer.</p> <p>VML also recommends that a cap be placed on the deductible, suggesting \$1,000.00.</p> <p>Section III.E.(5) has been amended to require proof of a deductible no higher than \$1,000 before an Event Permit will be issued for an Event located on property owned by either the Town or another governmental entity.</p>	
42.	Council Member McCollum	What happens if the prior Event causes the property to be unsuitable for the next Event? Perhaps, this can be addressed under III.E., § 7 (Event Service Fees) where "restoration" is listed. That term is not defined and who completes the restoration is unclear. In any event, I would suggested "prompt" be inserted before restoration.'	Section III.E.(7) – formerly III.E.6.	I made the suggested change, inserting "prompt" before "restoration" in Section III.E.7.	The Events Committee recommends the language change made by the Town Attorney.	

Events Ordinance – Matrix of Comments, Questions and Responses
(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
43.	Council Member McCollum	I would suggest that the written notice of revocation be provided by Event Organizer's email listed on application and to address provided by the Event Organizer. The email helps to show notice was actually sent.	Section III.H.	<p>I concur that the Town should send notice by both electronic mail and first-class mail, which addresses must be provided on the application form. The Town is in the best position when it can produce evidence that an act has been done.</p> <p>However, I hesitate to put specific methods of notice delivery into an ordinance as it raises the question of whether revocation is effective without such particularized notice. If Council does elect to specify the method of notice that must be used, then I would also add that if someone receives <i>actual notice</i> they cannot complain about the failure of the Town to use one or more of the prescribed Notice methods.</p>	<p>The Events Committee concurred with the Town Attorney's response.</p> <p>Additionally, the Town Attorney recommends and has amended Section III.H(1) to require reasonable notice to the Event Organizer and an opportunity to cure the violation prior to revocation.</p>	
44.	Council Member McCollum	Shouldn't the Event Organizer have some role in this decision? As I read the current text, the ability to advertise or solicit at an Event is limited to those who are sponsors or participants. If so, then the Event Organizer should have an opportunity to authorize the advertising or soliciting by persons who are not sponsors or participants.	Section III.J.		<p>The Events Committee recommended no change to the existing language.</p> <p>Since the Event Committee discussed this issue, the Town Attorney conducted further research into issues of protected speech and revised this Section III.J. so that it regulates only speech on public property; private events will self-regulate as suggested by Councilor McCollum.</p>	
45.	Council Member McCollum	What happens if there is one violation? For example, in the rush of an event a beer or glass or wine is sold to someone who is not of lawful age. Does this mean the Event is shut down?	Section VI.	I will look into this and provide an answer in advance of the public hearing for this Ordinance.	Answer to be provided prior to public hearing.	

Events Ordinance – Matrix of Comments, Questions and Responses

(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney’s Response	Recommendation of the Events Committee	Final Action By Council
46.	Mayor Fraser	My only remaining concern about the event ordinance is the lack of an established timeframe for staff’s review, determination, and response to the application. This will hold staff accountable with a specific performance measure. We should be able to get to a performance cycle time measure by asking staff members the worst case, most likely case, and best case for review, determination, and response, then average it out.	Section III.E. – Criteria for Event Permit Approval. “An Event Permit Application will be approved if it meets all of the following criteria for Event Permit Approval.”	<p>If Council would like to establish deadlines, my suggestion would be to consider a “no later than” deadline. For example, “An Event Application submitted at least 120 days in advance of the Event will have final action from Staff no later than 21 days before the Event provided all requested materials have been promptly provided to staff upon request.”</p> <p>The reasons for this suggestion include the following challenges in defining staff response deadlines:</p> <p>i) the staff response time depends on the type of material submitted, the size of the event, and how far in advance of the event the materials are submitted. Small events could have shorter response times, while larger events might have longer response times. Arriving at a one-size-fits-all deadline would be challenging.</p> <p>ii) The review process is iterative, so the Town would have to decide which “submission” triggers which deadline. For example, if during its review the Town asks the Event Organizer for insurance information and the Event Organizer takes a long time to provide the requested information, this will delay the overall ability of the Town to act on the application.</p> <p>iii) The Ordinance allows Event applications to be submitted anywhere between 15 days and 364 days prior to the Event. Events that seek and pay for “expedited processing” will receive expedited processing. Events that were applied for 10 months in advance may be able to withstand longer review times than an Event applied for 4 months in advance. Managing this workload has been the responsibility of the Town Event Specialist, who has performed without complaint, so far as I know, regarding turn-around-time.</p>	Committee did not meet subsequent to this comment being made. Decision is left to the discretion of Town Council.	On 7/28/15 Town Council adopted a motion to impose a deadline on Staff of 120 days to review an Event Permit Application. This deadline has been added to Section III.D.(3) of the draft Ordinance.

Events Ordinance – Matrix of Comments, Questions and Responses
(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
47.	Council Member Lehr	Expressed concern at the June 23, 2015 Council meeting regarding the classification of a neighborhood block party as an event.	Section II.B.(viii) (Definitions) – Identified Activities include “neighborhood block party.”	The Town’s event specialist and the Town Manager both expressed concern that the Town be made aware of block parties when they will occupy a public street.	Committee did not meet subsequent to this comment being made. The decision is left to the discretion of Town Council.	No change to the ordinance was recommended by the Town Council at its meeting on 7/28/15.
48.	Town Attorney and Special Events Coordinator	Add information about vendors to the ordinance application requirements, particularly the estimated number of vendors. Town needs to know if weapons will be sold at Events.		I recommend amending Section III.D. by adding Subsection (8), requiring applicants to inform the town whether there will be vendors at the event and, if so, the approximate number of vendors and whether any vendor will be selling weapons.	This section has been added to the Draft Ordinance since the Council meeting on 9/8/15.	
49.	Town Attorney	As drafted, the Ordinance regulates musical performances on an outdoor patio of a restaurant. If this outcome is not desired, then the Ordinance will need to be amended.	Section II, Definitions The definitions of “Event” and “Identified Activities” operate to include outdoor musical performances on a restaurant patio.	I recommend that the Ordinance be amended to exclude from the definition of Events outdoor musical performances that are wholly contained on a patio of a restaurant or bar. These performances would still have to comply with the Town’s noise ordinance.	This exclusion is located at Sec 6-2(A) and was inadvertently overlooked when I made this comment.	

Events Ordinance – Matrix of Comments, Questions and Responses
(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
50.	Phil Message/ Town Attorney	Consider adding in-kind donations (ie; services/equipment) as a way in which the Town can provide support for an Event.	Section VIII.B.	<p>I recommend that Section VIII.B. be amended to address in-kind donations, such as services and equipment, to Events.</p> <p>This section is now Sec. 6-8(B) and includes “services” as donations. This change was made after the Council’s last meeting on this topic (on 9/8/15).</p>	None, since comment made after Committee concluded its work.	
51.	Town Attorney	<p>Clarify that an Application Form is one of the Application Submission Requirements</p> <p>Relocate the provision concerning Application Submission and Review Deadlines to a section other than the section dealing with the required contents of a complete application.</p>	Section III.D.	<p>I recommend that the Town Council clarify that an Application Form is one of the Application Submission requirements. To that end, I have proposed revised language in Section III.D.(1) and have relocated some of the content that was located in Section III.D.1., to Section III.C.</p> <p>I further reorganized Section III.D. so that all application submission requirements would be grouped together, relocating the Submission Review Deadlines from Section III.D.3., to Section III.E.</p> <p>These changes were in the version of the Ordinance presented to Council on 9/8/15.</p>	None, since comment made after Committee concluded its work.	

Events Ordinance – Matrix of Comments, Questions and Responses
(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
52.	Town Attorney	Add Section to Ordinance to clarify that for Events conducted at an Agricultural Operation, as defined under Va. Code 3.2-300, a legal determination is needed to determine whether an Event Permit may be required. Reference Va. Code 15.2-2288.6.		I have added a comment to address this at Sec. 6-3(F). This change was made after the Council's last meeting on this topic (on 9/8/15).	None, since comment made after Committee concluded its work.	
53.	EDAC/PRAB	Would a band playing in the backyard qualify as a concert?		This should be decided by Town Council. My recommendation is that we amend Sec 6-2(B)(iii) to state "concert for which a ticket is needed or a donation is encouraged." This recommended change has been included in the Draft Ordinance, and was added after the Council's last meeting on 9/8/15.	None, since comment made after Committee concluded its work.	

Events Ordinance – Matrix of Comments, Questions and Responses
(Updated on October 22, 2015, for presentation to Town Council at its meeting on October 27, 2015)

	Maker of Comment	Comment/Question	Draft Language at Issue	Town Attorney's Response	Recommendation of the Events Committee	Final Action By Council
54.	EDAC/PRAB	Would a portable tent be considered "indoors"? What if it has 1/2/3 walls?		<p>This should be decided by Town Council.</p> <p>My recommendation is that a portable tent not fall within the meaning of "enclosed structure," no matter how many walls it has. "Enclosed structure" was intended to address enclosed structures that are permanent, for which the site has been designed in terms of parking, restrooms, etc.. Sites are generally not designed to support both permanent and temporary structures.</p> <p>I have amended the term "enclosed structure" to state, "permanent enclosed structure" where it appears in the Ordinance. (See Sec. 6-2) This change was made after the Council's last meeting on 9/8/15.</p>	None, since comment made after Committee concluded its work.	
55.	Christie Morgan on behalf of Roadside Development (Purcellville Gateway)	Requested that the Town consider issuing a single annual permit in lieu of a permit for each event.		<p>This is a decision to be made by Town Council.</p> <p>If Purcellville Gateway were to conduct a Festival in its Parking Lot, it would be an Event under the Ordinance that requires an Event Permit.</p> <p>My recommendation at this point, is not to allow annual permits and to require that each Event be evaluated for impacts. Once we see the type of Events that Purcellville Gateway can reasonably accommodate without tremendous impact to the public, we will have a sense of the size such an Event can be and could consider issuing an annual permit for Events of that size. Given that the Events Ordinance is not yet implemented and we don't have any data or experience, my recommendation is not to issue an annual permit at this time.</p>	None, since comment made after Committee concluded its work.	

**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 15-09-02

PRESENTED: September 8, 2015

ADOPTED:

AN ORDINANCE: TO ADOPT FEES FOR THE REVIEW OF EVENT PERMIT APPLICATIONS, STREET CLOSURES FOR EVENTS, EVENT SERVICES PROVIDED BY THE TOWN'S EVENT SPECIALIST, EVENT SERVICES PROVIDED BY EMPLOYEES OF THE TOWN'S DEPARTMENT OF PUBLIC WORKS, AND EVENT SERVICES PROVIDED BY TOWN POLICE OFFICERS

BE IT ORDAINED by the Council of the Town of Purcellville, Virginia, that the following fees related to events governed under Town Code Chapter 6 are hereby adopted:

Event Permit Application Review Fee:	\$75.00
Street Closure Fee for Events:	\$100.00 per day or portion thereof
Town Events Specialist: (for event planning services beyond application review and processing)	\$30.00 per hour
Public Works Fee for Events:	Up to \$60 per employee per hour
Town Police Fee for Events:	Up to \$60 per officer per hour

PASSED THIS ____ DAY OF _____, 2015.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk



STAFF REPORT
ACTION ITEM

Item # 14.a.iii

SUBJECT: Town Council's Vision, Mission, Core Values, and Strategic Initiatives

DATE OF MEETING: October 27, 2015

STAFF CONTACT: Daniel C. Davis, Assistant Town Manager

SUMMARY and RECOMMENDATIONS:

Council met on September 19, 2015 to review its Vision, Mission, Core Values, Strategic Initiatives, and Action Items. Staff brought an item to Council on October 13, 2015 to review the changes suggested by Council at the Strategic Planning Session and to update the community on activities taken by Council over the past year. Council concurred with the changes and staff recommends Council endorse the final handout for publication.

BACKGROUND:

Council took many actions over the past year in support of its Vision, Mission, Core Values, and Strategic Initiatives. In reviewing activities from the year, Council agreed to revise some of the Action Items in order to more accurately reflect Council's goals and intent. The revised document is provided as Attachment 1. A status of activities worked on during the past year (as discussed on October 13, 2015) is provided as Attachment 2.

ISSUES:

There are no issues at this time. Council is asked to endorse the handout shown in Attachment 1. Council indicated its interest in setting priority to the Action Items identified in the Strategic Initiatives. Should Council wish to do that, staff is willing to assist as necessary.

Staff, the facilitator, and Mayor Fraser all concur that it would be beneficial for the Strategic Initiatives to be a standing item before Council on a quarterly basis. That would allow Council members to update each other as to the status of various items on a more regular basis. Staff

will work with Mayor Fraser on a template that may facilitate these updates, and it is expected that the next update will occur on January 26, 2016.

BUDGET IMPACT:

There is no budget impact to this item.

MOTION:

I move that Council endorse the handout shown in Attachment 1, describing Council's Vision, Mission, Core Values, Strategic Initiatives, and Action Items. I further move that Council direct staff to publish this document on the website and other avenues in order to share these statements with the community.

ATTACHMENTS:

1. Revised Vision, Mission, Core Values, Strategic Initiatives, and Action Items
2. Action Item Matrix Update prepared by staff



In September 2014, the newly elected Town Council of Purcellville held their first strategic planning session, where they identified a new vision and future initiatives.

The Town Council met again in September 2015 to affirm their strategies, provide updates from activities throughout their first year in office, and refine their anticipated action items.

The Town Council and all others involved in this planning would like to share their strategy for the future of Purcellville with you, its stakeholders and citizens.

Below you will find four Strategic Initiatives that have been identified and the actions that will be taken in order to achieve them. They are explained on the reverse.

1. Foster Community & Economic Well-Being
2. Practice Good Governance
3. Strengthen Community Partnerships
4. Fund the Future

VISION

“Purcellville... Where history and progress intersect and people prosper.”

MISSION

As stewards worthy of community trust, we work to discern, define and implement an agenda to nurture and preserve our residents' quality of life. Through Town Council policies and leadership, we foster an open, cooperative and admired model government that encourages full public participation and ensures the level of services our citizens expect and deserve.

CORE VALUES

Integrity
Trust
Transparency
Innovation
Accountability
Stewardship

Mayor & Town Council

Mayor Kwasi Fraser
Vice Mayor Ben Packard
Joan Lehr
Patrick McConville II
John Nave
Karen Jimmerson
Doug McCollum

Town of Purcellville

221 South Nursery Avenue, Purcellville, VA 20132
www.purcellvilleva.gov (540) 338-7421

Town of Purcellville Strategic Initiatives

Foster Community & Economic Well-Being

Capitalize on Purcellville's healthy mix of assets, location and heritage to grow, diversify and strengthen the community and economic well-being of citizens and businesses alike.

Action Agenda

- Initiate the review and update of the Purcellville Comprehensive Plan inclusive of a build-out analysis.
- Develop a Land Use Plan for the unincorporated areas adjacent to Purcellville (included in Comprehensive Plan Update).
- Craft an Economic Development Plan for Purcellville that supports local businesses and entrepreneurs through a business retention and expansion plan and to develop and implement a tourism strategy for Purcellville.
- Foster a partnership with Loudoun County and neighboring towns.

Practice Good Governance

Good governance means focusing on the Town's mission and purpose, performing defined roles and government functions effectively, efficiently and being accountable to the citizens of Purcellville.

Action Agenda

- Have each Town department identify their top 3 needs.
- Create a debt management strategy for the Town.
- Develop a staffing pattern/plan for needed FTE's and part-time employees.
- Conduct an efficiency and effectiveness audit of Town services and programs.
- Incorporate cost of services strategies in order to save money across Town departments.
- Explore alternative high-speed, high-capacity telecommunication/internet capabilities for Town residents and businesses.

Strengthen Community Partnerships

To be successful, the Purcellville Town Council must have a positive and interactive relationship with town citizens and must be committed to helping citizens gain a greater understanding of and connection with their Town government.

Action Agenda

- Enhance the Town's website.
- Establish a Town Message and place on the Town website.
- Continue sponsorship of community surveys.
- Create a Purcellville Post via social media, Facebook and Town newsletter.
- Sponsor Open Houses and Informational Sessions on Town Services to allow citizens to learn about areas important to them.
- Create a Committee, Commissions and Boards Policy Guide inclusive of mission and purpose statement.
- Revise and update the BAR Guidelines.
- Sponsor an Annual Committees, Commissions and Boards Appreciation Dinner.

Fund the Future

To make the future happen in Purcellville will require a commitment to identifying and discussing revenue options and opportunities.

Action Agenda

- Review and revise a Financial/Fiscal Policy for Purcellville.
- Review and revise a Capital Maintenance Program for Town assets.
- Explore new ways to put Town utilities on a path of self-sufficiency.
- Increase non-tax revenue as a percent of Town revenue.
- Expand to a 10 year CIP forecast inclusive of revenue and financing options.
- Maintain and enhance the Town's Credit Rating.
- Explore Capital Facilities for Police Department.

Town of Purcellville: Strategic Initiatives and Action Items

Performance and Proposed Action

<u>Strategic Initiative</u>	<u>Took Action?</u>	<u>Status?</u>	<u>Do in 2016</u>	<u>No in 2016</u>
<i>Foster Community and Economic Well-Being</i>				
<ul style="list-style-type: none"> Initiate the review and update of the Purcellville Comprehensive Plan inclusive of build-out analysis 	✓	Underway	✓	
<ul style="list-style-type: none"> Develop a Land Use Plan for the unincorporated areas adjacent to Purcellville (<i>through the Comprehensive Plan Update</i>) 	✓	Look at as part of comp plan	✓	
<ul style="list-style-type: none"> Craft an Economic Development Plan for Purcellville <i>that supports local businesses and entrepreneurs through a business retention and expansion plan and to develop and implement a tourism strategy for Purcellville</i> 		Go to EDAC for further discussion	✓	
<ul style="list-style-type: none"> Foster a partnership with Loudoun County and neighboring towns 		Continuous	✓	
<ul style="list-style-type: none"> Support local businesses and entrepreneurs through a business retention and expansion program 		Combine with ED Plan		
<ul style="list-style-type: none"> Develop and implement a tourism strategy for Purcellville 		Combine with ED Plan		
<i>Practice Good Governance</i>				
<ul style="list-style-type: none"> Have each Town department identify their top three (3) needs 	✓	Ongoing (budget discussions)	✓	
<ul style="list-style-type: none"> Create a debt management strategy for the Town 		Similar to "Fund the Future"		✓
<ul style="list-style-type: none"> Develop a staffing pattern/plan for needed FTEs and part-time employees 	✓	Included in Top 3 needs		
<ul style="list-style-type: none"> Conduct an efficiency and effectiveness audit of Town services and programs 		Waiting to begin; phased approach	✓	
<ul style="list-style-type: none"> <i>Incorporate cost of services strategies in order to save money across Town departments</i> 	✓	Was successful; keep doing	✓	
<ul style="list-style-type: none"> Explore alternative high-speed, high-capacity telecommunication/internet capabilities for Town residents and businesses 	✓	Multiple forums and discussions		

<u>Strategic Initiative</u>	<u>Took Action?</u>	<u>Status?</u>	<u>Do in 2016</u>	<u>No in 2016</u>
<i>Strengthen Community Partnerships</i>				
<ul style="list-style-type: none"> Enhance the Town's website 	✓	Website Steering Cmte; item to 10/27 Council meeting	✓	
<ul style="list-style-type: none"> Establish a Town Message and place on the Town website 		Roll into bullet 4 below		
<ul style="list-style-type: none"> Continue sponsorship of community surveys 	✓	Done; keep doing it	✓	
<ul style="list-style-type: none"> Create a Purcellville Post via social media, Facebook, and Town Newsletter 		Renew idea of regular newsletter and focus on TC's priorities	✓	
<ul style="list-style-type: none"> <i>Sponsor Open Houses and Informational Sessions on Town Services to allow citizens to learn about areas important to them</i> 	✓	Do annually; continue to refine program	✓	
<ul style="list-style-type: none"> Create a Committee, Commissions, and Boards Policy Guide inclusive of mission and purpose statements 	✓	Substantial progress on ethics and disclosure; working on rest	✓	
<ul style="list-style-type: none"> Revise and update the BAR Guidelines 		On hold; need budget	✓	
<ul style="list-style-type: none"> Sponsor a Purcellville Local Government Academy to help citizens learn about their Town government 		Roll into Open Houses above		
<ul style="list-style-type: none"> Sponsor an Annual Committees, Commissions, and Boards Appreciation Dinner 	✓	Very well received	✓	
<ul style="list-style-type: none"> Sponsor a Purcellville Citizens Planning Academy to help citizens learn about Town land use and zoning practices 		Roll into Open House idea above		

<u>Strategic Initiative</u>	<u>Took Action?</u>	<u>Status?</u>	<u>Do in 2016</u>	<u>No in 2016</u>
<i>Fund the Future</i>				
<ul style="list-style-type: none"> Review and revise a Financial/Fiscal Policy for Purcellville 	✓	Minor tweaks; done		
<ul style="list-style-type: none"> Review and revise a Capital Maintenance Program for Town assets 	✓	No issues		
<ul style="list-style-type: none"> Explore new ways to put Town utilities on a path of self-sufficiency 		Looking at options; constrained by IRS rules	✓	
<ul style="list-style-type: none"> Increase non-tax revenue as a percent of Town revenue 		Looking at options; constrained by IRS rules	✓	
<ul style="list-style-type: none"> Expand to a 10-year CIP forecast inclusive of revenue and financing options 	✓	Not worth it; hard to do		
<ul style="list-style-type: none"> Explore next level for GFOA Award 		Awards are not as important as credit rating		✓
<ul style="list-style-type: none"> <i>Maintain and Enhance Credit Rating</i> 		Focus on activities and policies to improve	✓	
<ul style="list-style-type: none"> Explore Capital Facilities for Police Department 		Exploring options	✓	

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STAFF REPORT
INFORMATIONAL ITEM

Item#16.c.

SUBJECT: Public Work Monthly Operations Report

DATE OF MEETING: October 27, 2015

STAFF CONTACT: Alex Vanegas, Director, Public Works

SUMMARY and RECOMMENDATIONS:

Attached for your review are the Monthly Operations Reports for the Street & Utility Maintenance, Water Reclamation and Water Treatment divisions of the Public Works Department. The enclosed reports are for the month of September 2015. Should you have any questions or desire any further clarification please let us know.

ATTACHMENT(S):

1. Street & Utility Maintenance, Water Reclamation and Water Production Monthly Operations Reports.

**MAINTENANCE DEPARTMENT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: SEPTEMBER 2015
PREPARED: OCTOBER 2015**

**MAINTENANCE DEPARTMENT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: SEPTEMBER 2014
PREPARED: OCTOBER 2014**

MEASURE	MONTH	UNITS	FY YTD	UNITS
WORK ORDERS (W.O.) PROCESSED	133	#	417	#
STAFF HOURS REQUIRED FOR W.O.	347.75	HRS.	1266.75	HRS.
NON-CORE DUTIES HOURS	0	HRS.	4.5	HRS.
CD. MAN HOURS REQUIRED FOR WO	347.75	HRS.	1262.25	HRS.
PM FIRE HYDRANTS	70	#	70	#
EMERGENCY FIRE HYDRANT REPAIR	0	#	0	#
PM VALVE EXERCISED	0	#	0	#
CCTV SEWER LINE	4.353	L. FT.	4,353	L. FT.
# OF WATER BREAKS	0	#	0	#
# OF SEWER BACKUPS	0	#	4	#
# OF CLEANOUTS INSTALLED	0	#	106	#
# OF MIS UTILITY TICKETS	74	#	276	#
# OF METERS READ	22	#	96	#
# OF METERS SHUT OFF	16	#	22	#
# OF METERS TURNED ON	12	#	18	#
# OF REPLACED METERS	0	#	2	#
# OF REPLACED REGISTERS	9	#	16	#
# OF NEW ACC. METER INSTALLS	1	#	5	#
# OF LEAK CHECKS	4	#	13	#
# OF REPLACED MIUs (Radios)	1	#	34	#
CUSTOMER COMPLAINTS	0	#	9	#
WATER COMPLAINTS REC'D	1	#	4	#
WATER COMPLAINTS RESOLVED	100	%	100	%
WASTEWATER COMPLAINTS REC'D	0	#	0	#
WASTEWATER COMPLAINTS RES'D	100	%	100	%
BULK WATER SALES	0	Gallons	772.2K	Gallons

MEASURE	MONTH	UNITS	FY YTD	UNITS
WORK ORDERS (W.O.) PROCESSED	155	#	490	#
STAFF HOURS REQUIRED FOR W.O.	504.50	HRS.	1337.25	HRS.
NON-CORE DUTIES HOURS	10.5	HRS.	15.75	HRS.
CD. MAN HOURS REQUIRED FOR WO	494	HRS.	1321.25	HRS.
PM FIRE HYDRANTS	0	#	0	#
EMERGENCY FIRE HYDRANT REPAIR	0	#	0	#
PM VALVE EXERCISED	0	#	0	#
CCTV SEWER LINE	2,185	L. FT.	9243	L. FT.
# OF WATER BREAKS	0	#	0	#
# OF SEWER BACKUPS	0	#	1	#
# OF CLEANOUTS INSTALLED	0	#	0	#
# OF MIS UTILITY TICKETS	91	#	324	#
# OF METERS READ	32	#	80	#
# OF METERS SHUT OFF	10	#	24	#
# OF METERS TURNED ON	8	#	16	#
# OF REPLACED METERS	2	#	3	#
# OF REPLACED REGISTERS	0	#	20	#
# OF NEW ACC. METER INSTALLS	8	#	11	#
# OF LEAK CHECKS	4	#	20	#
# OF REPLACED MIUs (Radios)	0	#	34	#
CUSTOMER COMPLAINTS	5	#	17	#
WATER COMPLAINTS REC'D	0	#	0	#
WATER COMPLAINTS RESOLVED	100	%	100	%
WASTEWATER COMPLAINTS REC'D	0	#	0	#
WASTEWATER COMPLAINTS RES'D	100	%	100	%

**WATER RECLAMATION FACILITY
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: SEPTEMBER 2015
PREPARED: OCTOBER 2015**

**WATER RECLAMATION FACILITY
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: SEPTEMBER 2014
PREPARED: OCTOBER 2014**

MEASURE	MONTH	AVG./DAY
INFLUENT FLOW	15,205,900 GAL	506,900 GAL
EFFLUENT FLOW	15,648,600 GAL	521,600 GAL
MAXIMUM DAY INFLUENT	959,100 GAL	
FERRIC CHLORIDE	1,744 GAL	58 GAL
CITRIC ACID	191 GAL	48 GAL
SODIUM HYPOCHLORITE	175 GAL	35 GAL
METHANOL	800 GAL	27 GAL
RAIN	6.40 IN.	0.24 IN.

MEASURE	MONTH	AVG./DAY
INFLUENT FLOW	15,434,700 GAL	514,500 GAL
EFFLUENT FLOW	14,558,900 GAL	485,300 GAL
MAXIMUM DAY INFLUENT	633,200 GAL	
FERRIC CHLORIDE	1,636 GAL	55 GAL
CITRIC ACID	286 GAL	72 GAL
SODIUM HYPOCHLORITE	132 GAL	26 GAL
METHENOL	851 GAL	28 GAL
RAIN	2.95 IN.	0.10 IN.

MONTHLY TOTAL NUTRIENT DISCHARGE		
TOTAL NITROGEN	191	LBS.
TOTAL NITROGEN YTD	2,061	LBS.
AVG. DAILY NITROGEN	1.24	MG/L
VPDES NITROGEN LIMIT	4.0	MG/L
TOTAL PHOSPHORUS	24	LBS.
TOTAL PHOSPHORUS YTD	224	LBS.
AVG. PHOSPHORUS DAILY	0.17	MG/L
VPDES PHOSPHORUS LIMIT	0.3	MG/L

MONTHLY TOTAL NUTRIENT DISCHARGE		
TOTAL NITROGEN	196	LBS.
TOTAL NITROGEN YTD	1,733	LBS.
AVG. DAILY NITROGEN	1.61	MG/L
VPDES NITROGEN LIMIT	4.0	MG/L
TOTAL PHOSPHORUS	28	LBS.
TOTAL PHOSPHORUS YTD	246	LBS.
AVG. PHOSPHORUS DAILY	0.23	MG/L
VPDES PHOSPHORUS LIMIT	0.3	MG/L

**WATER TREATMENT PLANT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: SEPTEMBER 2015
PREPARED: OCTOBER 2015**

WATER	MONTH	UNITS	AVG./DAY	UNITS
ALUMINUM SULFATE	1,313.6	lbs.	43.8	lbs.
POLYMER				
METAPHOSPHATE	91.1	lbs.	3.0	lbs.
SODA ASH	1,927.6	lbs.	64.3	lbs.
FLUORIDE (WTP & WELLS)	174.0	lbs.	5.8	lbs.
POTASSIUM PERMANGANATE	45.0	lbs.	1.5	lbs.
CHLORINE (HYPOCHLOR@ WTP)	235.0	lbs.	7.8	lbs.
CHLORINE RESIDUAL (TANK)			1.7	mg/L
AVERAGE PH (FINISHED)			7.5	SU
INLINE METER, COOPER SPR	2,140,476	gals.	71,349.2	gals.
JEFFERIES WELL	752,500	gals.	25,083.3	gals.
WATER PLANT GALLONS	7,659,500	gals.	255,316.7	gals.
MARSH WELL	2,093,100	gals.	69,770.0	gals.
MOUNTAIN VIEW WELL	716,200	gals.	23,873.3	gals.
MAIN STREET VILLAGES WELLS (MS-1 & VC)	2,824,500	gals.	94,150.0	gals.
CORNWELL #2 WELL	1,824,593	gals.	60,819.8	gals.
FORBES WELL	985,013	gals.	32,833.8	gals.
HIRST #2 WELL	0	gals.	0.0	gals.
TOTAL WATER FLOW	16,102,906	gals.	519,448.6	gals.

RESERVOIR LEVELS:	1-Sep-2015	30-Sep-2015
FRONT LAKE:	4.02'	4.75'
BACK LAKE	4.28'	4.90'
RAINFALL:	4.75"	

**WATER TREATMENT PLANT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: SEPTEMBER 2014
PREPARED: OCTOBER 2014**

WATER	MONTH	UNITS	AVG./DAY	UNITS
ALUMINUM SULFATE	962.8	lbs.	32.1	lbs.
POLYMER				
METAPHOSPHATE	275.2	lbs.	9.2	lbs.
SODA ASH	1,591.6	lbs.	53.1	lbs.
FLUORIDE (WTP & WELLS)	204.9	lbs.	6.8	lbs.
POTASSIUM PERMANGANATE	10.5	lbs.	0.4	lbs.
CHLORINE (HYPOCHLOR @ WTP)	258.3	lbs.	8.6	lbs.
CHLORINE RESIDUAL (TANK)			1.6	mg/L
AVERAGE PH (FINISHED)			7.5	SU
INLINE METER, COOPER SPR	2,778,000	gals.	99,214	gals.
JEFFERIES WELL		gals.		gals.
WATER PLANT GALLONS	6,698,200	gals.	223,273	gals.
MARSH WELL	2,020,100	gals.	67,337	gals.
MOUNTAIN VIEW WELL	688,700	gals.	22,957	gals.
MAIN STREET VILLAGES WELLS (MS-1 & VC)	3,429,100	gals.	114,303	gals.
CORNWELL #2 WELL	1,550,424	gals.	51,681	gals.
FORBES WELL	1,002,405	gals.	33,414	gals.
HIRST #2 WELL	971,600	gals.	32,387	gals.
TOTAL WATER FLOW	19,138,529	gals.	683,519	gals.

RESERVOIR LEVELS:	1-Sep-2014	30-Sep-2014
FRONT LAKE:	5.4'	4.8'
BACK LAKE	5.2'	4.3'
RAINFALL:	2.52"	



STAFF REPORT
ACTION ITEM

Item # 17.a

SUBJECT: Website Update and Enhancement Options

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Daniel C. Davis, Assistant Town Manager

SUMMARY and RECOMMENDATIONS:

One of Council's primary initiatives under "Strengthen Community Partnerships" has been to enhance and update the Town's website. Working with the Website Steering Committee, which was convened by Mayor Fraser and Vice-Mayor Packard, staff has looked at the structure of the website, new content that is desired, and design elements to help the Town's website be more appealing and user-friendly. The Website Steering Committee did not take a formal vote at its October 19th meeting, but there was general consensus in staying with CivicPlus as the Town's website developer and hosting provider, although concerns were raised by some members of the group regarding the ongoing hosting costs (see further discussion below). Staff recommends the Town continue with CivicPlus for reasons described in further detail below.

BACKGROUND:

The Town of Purcellville has used CivicPlus as a website developer and hosting provider since 2006. The Town updated the website in 2010 and uses many of the basic functionalities provided by CivicPlus. They are the leading provider of governmental websites, hosting over 1,800 sites across the nation, and offer highly-functional and visually-pleasing web designs that are fully customizable for any jurisdiction and include a wide range of modules that can be used at the Town's discretion. In addition, as part of the ongoing hosting agreement, CivicPlus provides 24/7/365 live customer support, extremely high security and uptime, data backup and recovery, and hosting services for the Town's DNS entries that gives stability and security for email coming from outside users. A full breakdown of the CivicPlus modules and services can be provided upon request.

At the beginning of review by the Website Steering Committee, the group considered moving forward with a competitive RFP for website design and hosting services. This would allow the Town to develop specific requirements, open it up for any entity to propose services, and then give the Town an opportunity to negotiate a contract with the final proposer.

Over the course of review by the Website Steering Committee, it became clear that one of the barriers to the Town's website being successful is the inability to quickly and easily find information. Certain pages and documents are not located where expected and may not be intuitive for the public to access. Additionally, the website survey indicated that many users were frustrated with the number of "clicks" it takes to find certain information. The survey also indicated a desire to have more information on events and activities throughout the Town.

Working through these issues, the Website Steering Committee has drafted an update to the structure of the website, focusing information on those areas that citizens, businesses, and visitors want to access most frequently. Information can be linked to from multiple menus, making access to that information easier. Regardless of who may design and host the new website (current or new provider), having a clear and understandable structure is important to a successful experience for web visitors.

ISSUES:

- 1) The most significant issue for Council to decide is what path to take in choosing a website designer and provider. Council approved up to \$15,000 in the FY16 budget for a website update.
 - a. The first option would be to continue with CivicPlus, the Town's current website hosting provider. Should Council agree to stay with CivicPlus, the cost would be approximately \$11,000-12,000 for a full design update. This process would take approximately 4-5 months from the time a contract is signed (see Attachment 1). The update would include moving to their latest design system (called Aurora), which provides a higher level of customization and flexibility for staff in terms of design elements and content. Current hosting costs are about \$6,000 per year (which is budgeted separately from the redesign cost and is already in the budget). CivicPlus has agreed to reduce this annual hosting cost to \$3,985 per year if the Town updates its site and continues with them as a provider.

As stated previously, a significant selling point for CivicPlus is its ease of use for staff, customizable pages and functionality of modules, security, 24/7/365 support, and their dedicated focus on providing high-quality local government sites.

Town IT staff recommends continuing with CivicPlus due to the consistent level of service they provide, the amount of content currently stored on the site, the security and reliability of the services provided, and the expertise demonstrated by their technical team in regards to the Town's website and DNS needs.

- b. The second option would be to begin the competitive RFP process. It is estimated this process would take 9-14 months (see Attachment 2). This consists of developing requirements for a hosting service/provider, putting the RFP on the street for proposals, evaluating proposals and negotiating a contract, having Council approve the final vendor, and then taking the time to build a website and convert our existing data to a new vendor. The cost for this option is unknown. Members of the Website Steering Committee have indicated it could cost less than our current vendor for both the website design and ongoing hosting costs. Initial estimates from one source indicate that web design costs could range from \$4,000-\$8,000, and annual hosting costs may be less than \$1,500 per year. However, until the full requirements are developed and proposals are received, it is unknown what those final costs may be.
- 2) Another issue Council may wish to consider is what specific information is desired to show on the new website. Discussions with the Website Steering Committee include adding a Business Directory (with categories for businesses, restaurants, shopping, etc) and having a calendar for community-type events (in addition to formal Town events). There was also ongoing discussion about linking to Business and Civic Organizations throughout Town as a way to connect residents with groups with whom they may be interested in interacting. These features can be discussed in further detail as the design of the website is underway, and with flexibility built into a website, these links/features can be added or updated as necessary.
- 3) A final issue for discussion is whether Council has a desire to integrate other technologies and services into the Town's website. Ideas include: live, video web-streaming of Council meetings; citizen polling and input services; and other citizen engagement tools. The Website Steering Committee did not feel that live video

streams were necessary at this time, and there was no strong feeling to pursue any other tools or services at this point in the website update.

BUDGET IMPACT:

There are sufficient funds to update the website and continue hosting the site with the Town's current vendor. Should Council decide to go through a competitive RFP, the budget impact is unknown until cost proposals are received by any proposer and a final contract is negotiated. As stated previously, Council approved \$15,000 for a redesign, and ongoing hosting costs are already budgeted at approximately \$6,000 per year.

MOTIONS:

- 1) In keeping with Council's strategic initiative to "Strengthen Community Partnerships," I move that the Council approve a website redesign with CivicPlus, to be managed by staff and with design input provided by the Website Steering Committee, with the understanding that the cost will not exceed the amount budgeted in FY16.

OR

- 2) In keeping with Council's strategic initiative to "Strengthen Community Partnerships," I move that the Council direct staff to proceed with developing requirements for a competitive RFP for website design and hosting services, to establish a Proposal Advisory Group to review proposals, and to bring an item to Council before a contract is signed with the preferred vendor.

ATTACHMENTS:

- 1) Timeline Flowchart for Option 1 – Update with CivicPlus
- 2) Timeline Flowchart for Option 2 – RFP Process

Option 1 – Update Site with CivicPlus (current vendor)

Council Approval
of Option
(< 1 month)

- Confirm choice of current vendor
- Funds already allocated
- One-time upgrade fee

Site Redesign
(3-4 months)

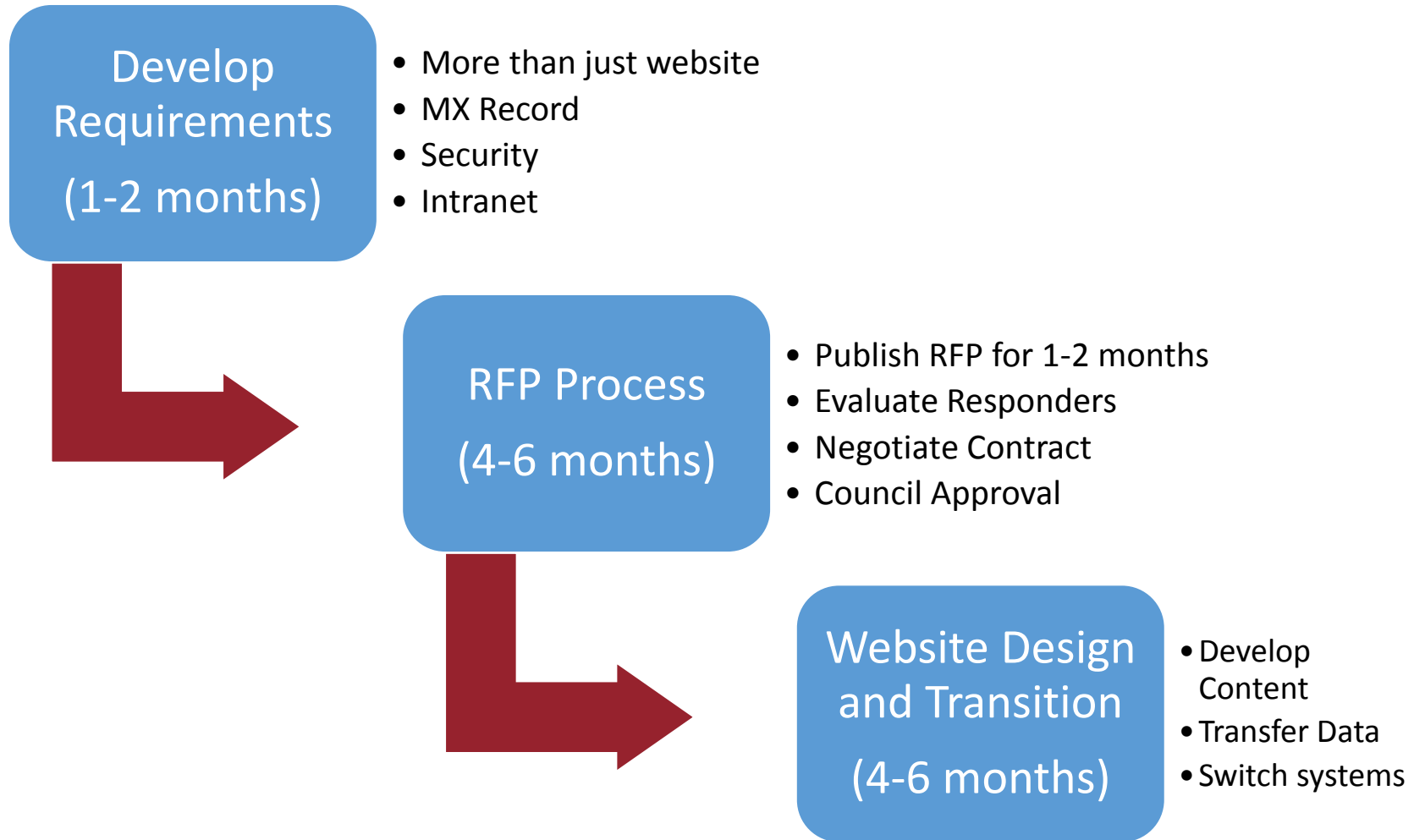
- Provide completely new design and functionality
- Flexible and customizable
- Full design and development team

Training and
Go Live
(< 1 month)

- Final Approval of design
- Training on new system

Total Time: 4-5 months

Option 2 – Request for Proposal (Competitive Procurement) Process



Total Time: 9-14 months



STAFF REPORT
ACTION ITEM

Item # 17.b.

SUBJECT: Aligning Town Council Meeting Dates with Town Holidays

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

SUMMARY and RECOMMENDATIONS:

Staff recommends that we cancel the work sessions scheduled for November 24 and December 22, 2015.

BACKGROUND:

In 2013, the Town moved forward with a recommendation to align our holiday schedules with neighboring communities and the County of Loudoun. This alignment involved adopting the State holiday schedule based on the following benefits:

- 1) Town Council would not have to continually address and review the annual schedule and any potential changes throughout the year resulting in savings and meeting efficiency; and
- 2) Government services and office hours would be consistent with the State, County and neighboring towns. Regardless of the holiday schedule, the Town of Purcellville operates normal operations in our Police Department and Public Works Department 365 days per year. In addition, we also provide emergency services and response in other departments throughout the year regardless of date, time or holiday.

In looking at the last quarter of this calendar year, staff has identified potential conflicts with our established meeting schedule and we wanted to make sure that Council was aware and provided guidance on these conflicts. In addition, the Town Manager's Office realizes that many of our Committees, Commissions, Boards and Town Council members travel over the holiday period along with our staff. To make sure that we hold these

meetings on times that are convenient not only to our Council but most importantly for our residents who also travel, we looked at the following potential conflicts this year and recommend the following course of action:

<u>Holiday</u>	<u>Work Session Meeting Date</u>	<u>Town Holiday</u>	<u>Action</u>
Thanksgiving Week	Tues., Nov. 24	Town Hall Closes at Noon on Wed., Nov. 25 and remains closed until Mon., Nov. 30	Cancel Work Session
Christmas Week	Tues., Dec. 22	Town Hall is Closed on Dec. 24 and 25.	Cancel Work Session

ISSUES:

In the past it has been our policy along with other communities not to hold public meetings on holidays. In addition, we usually look carefully at holding meetings right before a major holiday, particularly ones such as Thanksgiving, Christmas and New Year's when it usually involves heavy travel periods for families and multiple days off. In the table we outlined above, the meeting dates on the Thanksgiving and Christmas weeks do not actually fall on a Town holiday but they do fall just before the holiday begins, and that is why we are bringing it to you for Town Council discussion and ultimate policy direction.

BUDGET IMPACT:

There is no budget impact with this item.

MOTION(S):

I move that we align our meeting schedule with the following holidays for 2015:

- 1) Cancel the November Work Session scheduled for Tuesday, November 24 during the Thanksgiving holiday week; and
- 2) Cancel the December Work Session, scheduled for Tuesday, December 22 during the Christmas holiday week.

I further direct staff to update the official meeting calendars to reflect these changes.



STAFF REPORT
DISCUSSION ITEM

Item #17.c.

SUBJECT: Intersection of 32nd Street and Main Street

DATE OF MEETING: October 27, 2015

STAFF CONTACT: Alex Vanegas, Director, Public Works
Daniel C. Davis, Assistant Town Manager

SUMMARY and RECOMMENDATIONS:

Council member Lehr requested an agenda item for further discussion of the intersection of 32nd Street and Main Street on the west end of town. This item provides a brief history of VDOT and Town review of the intersection. Discussion or action is at the pleasure of Council.

BACKGROUND:

Since 2007, the Town has requested that VDOT consider placing a traffic signal at the intersection of 32nd Street and Main Street. Based on VDOT's consistent response that the signal warrant analysis does not justify a traffic signal at the aforementioned location, the Town Council decided in July 2012 to direct staff to procure Kimley-Horn to conduct a right-of-way (ROW) constraints analysis to verify whether a traffic signal and its infrastructure can be accommodated within the existing ROW at that intersection. The study would help inform the Town on whether additional ROW is needed before the town would consider any engineering work or warrant studies. The review by Kimley-Horn suggested that due to the existing overhead lines along the north side of Main Street, significant costs would be associated with the utility relocation. On the south side of the intersection, a traffic signal would require both ROW acquisition and some utility relocation. Based on these findings, the recommendation was to continue requesting that VDOT conduct its own warrant analysis.

The last request made by the Town occurred in December 2014. Based on the Town's request, VDOT performed a signal warrant study for the respective intersection. Unfortunately, based on volumes collected, intersection geometry, crash history, and other

factors, none of the warrants were met at this intersection. The results show that the side street volumes and delays are low with minimal vehicle queuing. Additionally, there is no history of crashes to suggest that vehicles cannot safely enter and exit with the assistance of a traffic signal. Based on these factors, VDOT determined that installation of a traffic signal is not justified at this time.

ISSUES:

Staff notes that significant delays can occur at this intersection, primarily for northbound 32nd Street traffic attempting to turn westbound (left) on Main Street. The combination of traffic flows along Main Street, a convenience store on the southwest corner of the intersection with access to both streets, and a limited stacking lane for left-hand turns from 32nd street can contribute to ongoing traffic concerns.

Utilities and constrained ROW limit the Town's options at this intersection.

DISCUSSION OPTIONS:

Council may wish to discuss further options with staff and development of cost scenarios for a Town-owned traffic signal.



STAFF REPORT
INFORMATIONAL/ACTION ITEM

Item #17.d.

SUBJECT: Options for Financial Sustainability for Fireman's Field

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

SUMMARY and RECOMMENDATIONS:

The Town is facing the potential renewal of the lease of the Fireman's Field baseball stadium with Loudoun County and there has been increasing questions about how the Town will fund Fireman's Field debt service and operations in the future. Members of Town Council asked staff to look at potential options and alternatives that could be incorporated into the potential updated leases of the Tabernacle and the Fireman's Field baseball stadium along with potential solutions that could potentially stabilize or reduce the tax burden on the Fireman's Field Tax District.

BACKGROUND:

In April 2008, the Town of Purcellville formally purchased Fireman's Field from the Purcellville Volunteer Fire Department (PVFD). At the time, the PVFD had been an excellent steward of this facility for over fifty years and worked with the community to keep this property available for recreation and community activities. In order to assist the Town in preserving this location for future recreational opportunities, the PVFD put a conservation easement on the property and sold it to the Town for \$1,700,000 which was financed for a twenty year period at no interest. The Town then moved forward with stabilizing and renovating the skating rink, building the parking lot, constructing a ticket booth/front gate and working with Loudoun County to complete upgrades to Haske Field, the entrance gates, football concession stand and storage facilities used by the youth organizations and County staff.

To fund this project, the Town created a special tax district to generate almost \$400,000 a year based on our current assessments. Over the last nine years, the Town has put over

\$5,378,972 into the facility and complex and that does not count the County's grant funding of \$658,485. The Town's existing outstanding debt service is \$3,630,864 with annual debt service of the facilities running at approximately \$286,000.

The Town currently has a Concessionaire Agreement that was just recently renewed that addresses the use and operations of the Tabernacle. Loudoun County has leased the baseball field, known as Fireman's Field, on the property for more than 29 years and it is all the property located inside the fenced area at the Fireman's Field complex. This area includes the announcer's booth, bleachers, batting cages and main field complex. When the Town purchased the property, we inherited this lease. The main lease expired on February 28, 2015 and the Town has granted three extensions while Town Council looked at options and alternatives of what we were going to do moving forward. The current lease will expire at the end of March 2016. In addition, Upper Loudoun Little League (ULLL) has a year to year lease on the Haske Field location.

ISSUES:

As the Town moves forward, there are several issues that the Town will face that we need to be aware of and they include the following:

- 1) The property has tax exempt debt restrictions with the IRS, a conservation easement, use agreements with youth organizations and expectations from the community that restricts the ability of the Town to raise money and funds to help offset the debt service and operational cost. While there are options and opportunities to address some of these issues, it does create a starting point with potential limitations.
- 2) The Town has been limited in the income options that we have to collect with the majority of our money coming from the tax district. At this point, the Town is only generating \$50,000 in rent, payment for services or other types of income and this does not even cover the annual debt service of approximately \$286,000. Because of the age of the facility and the challenges of operating a heavily used recreational project, the Town will be facing large capital expenditures on a frequent basis and that could put additional fiscal strain on the Town. At this point, the public, Town Council, staff and County have discussed multiple options on how to best move forward to ensure that this gem of our community is preserved for public use and recreational opportunities for years to come. While there are many different options and solutions, the Town has received suggestions on the following alternatives that Council should review and

provide input and direction to staff as we begin the upcoming preparation of next fiscal year's budget. The five primary options are:

- a) Maintain Tax District and have the residents and businesses of Purcellville pay for the primary operational cost of Fireman's Field while maintaining lease agreements with our Concessionaire for the skating rink, Loudoun County and ULLL.
- b) Take over the management and operations of the entire Fireman's Field complex and run it as a Town facility. This would involve a substantial investment in staffing and equipment resources.
- c) Request Loudoun County purchase Fireman's Field and have it put into the Loudoun County Park system. This would involve working with the County to have it placed as a referendum item at the November 2016 election and the County would purchase it directly from the Town.
- d) The Town would work with Loudoun County to look at establishing annual operation and funding payments that would assist the Town in covering the cost in debt service and the property would transition to the County once the Town paid off the debt service in approximately ten to fifteen years. This would ultimately end up with the County owning and operating the facility but it would be a longer transition period.
- e) Put the property on the open market and sell to the highest purchaser with hopes that a private recreational organization would purchase and keep the property open or accessible to the public.

BUDGET IMPACT:

Because of the complexity of the options and alternatives, a more detailed budget analysis will have to be done on any of the options that Town Council would be interested in exploring. At this point, it is safe to say that there is fiscal impacts both positive and negative related to all options involved which would have to be quantified with much more research once Town Council focuses on potential items of interest.

MOTION(S):

"I move that we direct staff to explore the following options as it pertains to working with the community to make Fireman's Field a sustainable operation and open to the community for years to come:

_____."



STAFF REPORT
INFORMATIONAL ITEM

Item #17.e.

SUBJECT: Kline Annexation Discussion

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Patrick Sullivan, Community Development Director

SUMMARY:

A discussion of the Kline Annexation with particular emphasis on identifying outstanding issues and information.

BACKGROUND:

On September 22, 2015 the applicant submitted a revised concept plan in response to neighbor concerns. The revision eliminated the 260 space commuter parking lot and increased the number of single family dwelling units from 64 to 74. These changes also required a revision to the traffic counts and the revenue calculations. The traffic counts went down and the revenue calculations went up.

Additional current information can be found in the updated Annexation Report which is attached to this staff report.

DISCUSSION

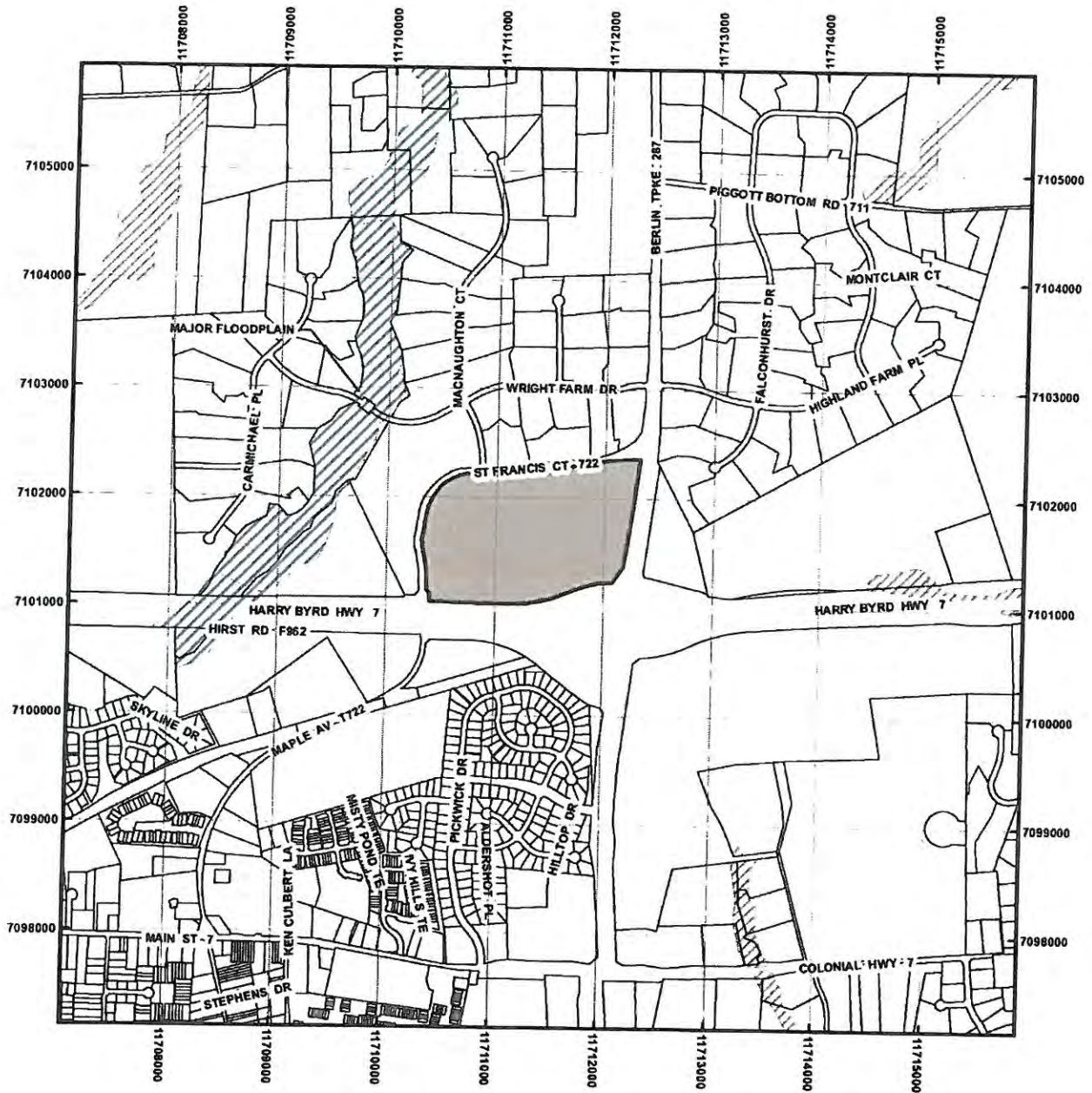
If Council has additional questions and needs more information it would be helpful to identify those items that will help Council make a decision on whether to move forward with the annexation or not. Once the issues are identified staff can research and provide information to help Council in its decision making.

ATTACHMENT(S):

1. Kline Annexation revised staff report.

CROSSROADS ANNEXATION REPORT

Purcellville Crossroads
ANNEX-XXXX
Statement of Justification
March 2015



VICINITY MAP

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Community Development Department
Town of Purcellville
221 South Nursery Avenue
Purcellville, VA 20132
540-338-2304 www.purcellvilleva.gov

Annex15-01		
July 21, 2015		
Name of project:	Purcellville Crossroads Annexation	50.4 Acres
Address/location:	37887, 37903, 37927 St Francis Court Purcellville, VA Corner of Route 287 (Berlin Turnpike) and St Francis Court	Parcel is in the County and is zoned JLMA-3
Owner(s):	Pleasants Kline – Loudoun, LLC brad@klineassoc.com 301-299-2099 St Francis LLC vchinc@roadstarinternet.net 703-203-6417 Das Henderson Holdings, LLC neelam.henderson@loudoun.gov 703-737-8927	Principal Contact: Brad Kline
Agent(s):	Bowman Consulting Group, LTD cmohn@bowmancg.com 703-44-2400	Principal Contact: Chris Mohn
Parcel numbers(PIN):	452-38-0026 452-28-0080 452-26-7298 452-37-4904	
Request:	To annex approximately 50.4 acres into the corporate limits of the Town of Purcellville to enable the development of a mixed use neighborhood	

Staff Contact:

Patrick Sullivan, AICP CED
Community Development Department
Town of Purcellville

psullivan@purcellvilleva.gov

Crossroads Annexation Staff Report

Town of Purcellville Process for Annexation, Analysis

Annex15-01 Pleasants Kline, LLC

Community Briefing.

The applicant scheduled and conducted a community briefing as required by the Town of Purcellville Process for Annexation (TPPA). The meeting was held on 10/21/2015. It was held at the St Francis DeSales Catholic Church. Abutting landowners were notified through the local HOA and advertisements were placed in the Gazette and Blue Ridge Leader newspapers.

An additional meeting, the purpose being to update the community on the development application process was held on 5/27/2015 at the Carver Senior Center located in Purcellville. (Exhibit A)

Application Submission.

Following the initial community briefing, Brad Kline, principle for Pleasants Kline, LLC through his agent, Bowman Consulting, LTD filed an application to adjust the jurisdictional boundary line between the Town of Purcellville and Loudoun County. The applicant paid the appropriate fee and submitted a check for \$13,000 with the application.

Staff Comments. The applicant has provided a complete application and has paid the appropriate fee.

Description of the Proposed Project.

The applicant must provide a concept development plan that includes land uses, location of structures, vehicular and pedestrian circulation, open space, densities for each use, proposed zoning districts, special amenities and existing features such as floodplain, slopes and tree cover. The concept development plan proposes up to three zoning districts, Mixed Commercial (MC), Residential (R-3), and Institutional/Public (IP). With the removal of the commuter parking lot the residential portion of the

site increases from 64 to 74 single family detached dwellings, no townhouses, no apartments. The MC area will contain up to 75,000 thousand square feet of mixed commercial districts. The IP district would make way for up to 5 acres to be used for institutional use. The old barn on five acres of the site would be renovated and dedicated for adaptive reuse as a community arts center with public open space. At the request of nearby neighbors the commuter parking lot has been eliminated. There are still plans for an indoor/outdoor recreation area on the southernmost portion of the site. The details of this have not been worked out as yet but there is talk of a miniature golf site. The developer has agreed to eliminate bumper cars and bumper boats from the mix of recreation and entertainment. There will be no lighted sports fields. Lastly is the addition of a 60-80+ room hotel on the southwestern portion of the site. The site is fairly level and lends itself to a network of pedestrian and bike trails with a connection to the W&OD Trail which have been delineated on the CDP. Planned open space accounts for approximately 36% of the site. The Zoning Ordinance calls for 25% minimum open space. There are no floodplains on the site. Special amenities would be the arts building, children's splash pad and Performers Park, large indoor/outdoor recreation area and access to the W&OD Trail. Tree cover and future tree preservation have not been addressed as yet by the applicant. These issues are normally reviewed and discussed at the rezoning phase of the development.

Staff comments. Concern has been expressed that the Park and Ride facility would create traffic issues since the entrance is at the southwestern corner and that the number of buses and vehicles coming and going would have to circumnavigate most of the property. There was additional concern that the existing road could not accommodate this amount of traffic. As a result the developer has eliminated the park and ride facility.

The proposed project has a diversity of uses and land uses being proposed.

It is recommended at the time the applicant submits a rezoning request that proffered uses be limited to those uses appropriate for this type of development, and strives for a retail and service mix of uses that provides for a variety of tenants but at the same time creates a significant driver of customer visitation. Which ultimately attracts a diverse yet complimentary mix of uses.

Statement of Justification.

The applicant is required to provide a justification statement. The statement should include a justification as to why the site is eligible for inclusion into the Town and how it will benefit the Town. In addition it should describe how it meets the goals of the comprehensive plan; and how the land is planned and zoned under Loudoun County's plans and zoning. The applicant has provided a 7 page response for justification (Exhibit B). The site abuts the Town so it is eligible for annexation. The

development is said to maintain a ratio of 30% commercial to 70% residential which is a fiscal goal of the Plan.

Benefits to the Town would be significant financial enhancements. An increase in the tax base would help maintain a lower tax rate. Tap fees and usage fees would help offset cost increases and in many cases would help reduce those costs. The real estate tax base growth as a result of this project could be as high as \$64 million in new assessments. Tap fees could top \$6 million. In total the project is projected to pump into the Town's tax base up to \$680,000 in new taxes, each and every year.

The application reviews Loudoun County policies with particular emphasis placed on County policies that encourage more dense growth around existing urban perimeters. The County's Revised General Plan encourages development of a variety of housing types and mixed use commercial development. The County plan recognizes that small towns have difficulty in maintaining full utility service and that expansion of that market through annexation is appropriate around the towns.

Staff Comments. This project will have the potential to provide significant revenue enhancements. The Town can expect increases in real estate taxes, in the meals tax, BPOL and lodging tax with the construction of a hotel on the property. However, even if the development of the property was limited to one DU per three acres as it is now it would still provide the Town with an increase in real estate taxes of \$40,000 to \$60,000 per year with minimal impact on services. It makes sense to annex the property and then manipulate the development so that the Town gets the final say in what happens to the site.

In addition to the potential revenue enrichments the proposed development provides enhanced cultural amenities with the addition of a significant cultural venue in the renovated barn. The developer has agreed to renovate the structure and turn it over to either the Town or a non-profit arts management group. The resulting facility could have potential limited only by our collective imaginations that could include art studios, educational resources, performance venues (similar to the Barns at Rose Hill), gardens, exhibits, workshops, museum space, etc. Given its location north of the by-pass and off a major arterial road (287), access to the site will be less impactful. Because of its location on the edge of Town it will be important for the developer to plan for this site to be a destination venue. Upkeep and maintenance would be an ongoing issue with the center

The annexation of this land could result in a significant increase in density on the 50 acres. While the ultimate buildout will depend how the parcel is rezoned and what conditions the rezoning will dictate there is no doubt that the rezoning will request an increase in density that will be mismatched with the adjoining land uses in the Wright Farm development.

There will definitely be traffic issues and pressure put on the ramps to Route 7. These are issues that will be reviewed during the rezoning phase. At which time proffers can be offered to help mitigate any increase in traffic congestion. At the time of rezoning if the Council feels that traffic impacts cannot be adequately mitigated then they do not have to approve the project.

There is much concern for the loss of property values due to increased density in the area. I have been unable to find any research that indicates higher density development will lower home values in the area.

“No discernible difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values.” (Urban Land Institute, *High Density Development, Myth and Fact* 2005)

“Indeed, a body of academic and government research indicates that common held beliefs that nearby higher-density development lower home values and increases congestion, are not true.

“Higher-density affordable housing that is well designed not only does not adversely affect property values, but may even enhance the value of existing homes in the neighborhood,” according to a 2011 report by the Center for Housing Policy, the research arm of the non-profit National Housing Council.”

It noted that researchers at Virginia Tech University concluded that “attractively designed and landscaped higher-density units actually increased the overall value of area single-family housing.” (Denver Real Estate Watch 2011)

Traffic Evaluation. (Revised September 21, 2015 due to elimination of the Park and Ride)

The applicant has provided a revised trip generation analysis based on the Institute of Transportation Engineers Trip Generation, 9th Edition. The outcome showed a PM peak hour generation of approximately 440 cars and total daily trips to be 5,186.

Staff Comments. The following table provides perspective on the 5,186 trips when it is compared to other local business and residential uses.

Trip Generations (all day – 24 hours):

<i>Catoctin Corner (proposed)</i>	<i>8501</i>
<i>Shoppes at Main and Maple</i>	<i>6077</i>
<i>Gateway Shopping Center</i>	<i>8977</i>

<i>Village Case</i>	<i>1400</i>
<i>Old Dominion Valley</i>	<i>1540</i>
<i>Kingsbridge</i>	<i>1850</i>
<i>Wright Farm</i>	<i>1140</i>

It should be noted that these trip numbers are raw data and as such are expected to change when a more detailed transportation impact analysis (TIA) is conducted. This would occur during the rezoning phase. The following statement was provided by the applicant.

In follow-up to our discussion, I asked Steve Schmidt (traffic engineer) to clarify the “raw” trip projections based on ITE ratios. He provided the following feedback that may be helpful when considering this information:

- The projections are raw/unrefined numbers. They do not take into account any internal trip reduction (i.e. residents or hotel guests that use the shopping center) which is typically 10-15%. The full TIA at rezoning would account for internal trip reduction, which would reduce the +/- 5,186 VPD (vehicles per day) number to +/- 4,400 to 4,680 VPD.
- The projected trip numbers also do not take into account any pass-by trips, which are trips already on the road that stop to use our development before continuing on. These are not new trips to Route 287 but would already come from there. Typically that reduction (depending on our final mix of uses) is anywhere from 30-65% of retail traffic. The full TIA at rezoning would account for pass-by trips, would reduce the +/- 4,400 to 4,680 VPD number down to +/- 3,900 VPD.

“As we discussed, the “rawness” of the data included in a “traffic letter” results in somewhat inflated values, which can be easily misinterpreted. While the trip generation numbers will certainly be significant, the full TIA will provide a refined projection that will be closer to realistic expectations.

Again, there is no disputing that the project will impact the existing road network, but the Applicant will be expected to mitigate those impacts through proffered improvements included with the rezoning. Such improvements will be defined by the full TIA, and will further be based on the refined trip projections noted above.”

Departmental Reviews.

The annexation plan is required to go through a general process of review by the Town's departments, the County Administrator and VDOT. The purpose being to evaluate general risks and impacts that annexing such a property might entail, including compliance with the Comprehensive Plan. The purpose is not to identify specific site plan issues at this stage of the process.

Public Works commented on the sewer and water layout with specific emphasis on connection points and flows. The water and sewer use will have to be modeled to determine if there is enough capacity. No comments were received regarding storm water management. However, there will be extensive review of storm water management during the site plan phase. There are local, county, state and federal regulations that must be adhered to. Storm water will be managed appropriately. Extensive review of these issues will occur at the rezoning phase.

Staff Comment. The developer understands the various problems and costs associated with providing infrastructure to the site. Staff suggests that the developer provide a more detailed plan for tapping into water and sewer and provide preliminary modeling that shows that water availability will be adequate.

Emergency services are less than a half mile from the site. There does not appear to be any significant issues at this stage. The police department is concerned about having enough staff to cover issues that might occur. They did not provide any statistics or projected manpower needs. This will be fully vetted at the rezoning phase.

Staff Comment. The applicant should discuss and explore the coverage issue with the department.

There are proposed pedestrian and bike trails throughout the site. Playgrounds, parks and activity areas for the residential portion of the site should be considered.

VDOT has chosen not to provide comments.

Staff Comment. There will obviously be an impact on the Berlin Turnpike and route 7 By-Pass intersection. During the rezoning process the developer will offer proffers that will provide for traffic improvements in the area. See Traffic Evaluation section above.

Projected school age children living on the site would be approximately 57¹. The 74 housing units plus the commercial assessments would provide approximately \$770,366² in real property taxes to the County. Town real estate tax revenue would be approximately \$152,715³ per annum from the site.

Staff Comment. Over the buildout term of the project 54 additional students should not have a significant impact on the schools as they are distributed throughout elementary, middle and high school. Further analysis by the School District will be forthcoming during the rezoning phase.

Significant revenues would come from meals tax, BPOL, and lodging tax which would produce in the aggregate \$535,602. The projected income for the meals tax appears high at 4 million for two restaurants and almost 4 million on the Tilley piece. A conservative estimate would be closer to \$400,000 per year in additional tax revenue to the Town. 3.5 million in revenue from sewer taps is a reasonable projection as it is based on known units. Their original projections were higher due to projecting a ¾ inch meter which is not needed. A 5/8 meter is more appropriate.

Staff Comment. While these numbers are probably the best case scenario and are overstated, they are still considerably higher than a 3 acre per unit build out and considerably higher than if the land stays in the County which would produce \$0 in revenue for the Town.

There were no comments regarding issues with Town services. However, the internal roads are planned to be private and therefore would not require additional manpower and funds to maintain these roads.

Loudoun County reviewed the potential annexation and pointed out these issues for consideration:

- Compatibility with existing large-lot residential and institutional development.
- Additional traffic directed to Route 287.
- Accommodation for the Northern Collector Road.
- County policies support commercial areas within the Towns being located within their downtown areas as the preferred location.

The final evaluation is whether the proposal furthers the goals of the Comprehensive Plan (Plan). In their statement of justification the applicant addresses the consistency of the proposal with the Plan. They note that the proposal furthers fiscal policy goals, and land use goals. Their conclusion is that the annexation will facilitate a more balanced real estate tax base, town managed community growth, and a

¹ Based on a census count of 3.0 persons per single family dwelling unit.

² School tax rate of \$1.135 per hundred based on a \$67,873,715 assessment.

³ Tax rate of .225 per hundred.

balanced distribution of land uses. It will do this by increasing revenues and providing an appropriate mix of commercial and residential uses on the site.

Staff Comments. Comprehensive plans are general by nature and as a result can provide a pro or con argument depending on the section used to make the point. Staff suggests that the Town Council evaluate the applicant's response on how it's project will further the goals of the Plan, based on how reasonably they have interpreted those goals. For example, as it envisions growth the Plan discusses the need for balancing commercial and residential growth by achieving a 30 – 70 percent assessment distribution with the ultimate goal being to reduce residential taxes by increasing commercial taxes. The question for evaluation becomes does the application achieve this goal. Is the response believable and is it a reasonable interpretation of the Comp Plan.

Recommendation.

Staff recommends that Town Council move forward with the Crossroads Annexation for the following reasons.

1. Future development would enable the development of a cultural amenity in the form of an arts center in the old barn. The adaptive reuse would be built out by the developer and turned over to the Town or a Town designated arts organization. The cost of maintaining the structure and grounds would have to be worked out.
2. There would be a significant influx of revenue from this project. At full buildout the Town can expect to receive \$680,000 in annual taxes and fees. Availability fees would produce \$4.5 million.
3. The project would provide a hotel. Purcellville currently does not offer hotel accommodations.
4. The 50+ acres about the Town and are eligible for annexation.
5. Annexation provides for Town oversight on the development of this property which will ensure that the development will reflect the expectations of the Town of Purcellville in its ultimate buildout.

Staff also recommends that preliminary building design criteria be established.

APPENDIX

October 8, 2014

RE: Purcellville Crossroads – Community Input Session

To Whom It May Concern:

On behalf of our client, Brad Kline, the applicant on the Purcellville Crossroads annexation application, I would like to invite you to a **Community Input Session** on **October 21, 2014** from **7 to 9 p.m.** The meeting will take place in Classroom 102 at St. Francis de Sales Catholic Church located at 37730 St. Francis Ct., Purcellville, Virginia.

The Purcellville Crossroads site consists of approximately 50 acres located at the northwest corner of the Route 287/Route 7 interchange, and is further bounded by St. Francis Ct. to the north and west. The Property is more specifically identified in Loudoun County land records as PINs 452-26-7298, 452-37-4904, 452-38-0026, and 452-28-0080 ("the Property"). A vicinity map is enclosed for your reference.

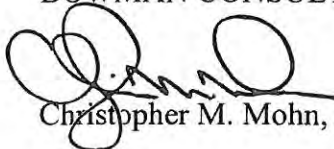
Mr. Kline has requested annexation of the Property by the Town of Purcellville, and proposes its future development as a mixed use neighborhood.

A brief presentation about preliminary concepts for Purcellville Crossroads will be provided, followed by an opportunity for dialogue with Mr. Kline about the neighborhood's intended components, layout, and design opportunities.

Should you have any questions before the meeting, please feel free to contact me at cmohn@bowmanconsulting.com.

Sincerely,

BOWMAN CONSULTING GROUP, LTD



Christopher M. Mohn, AICP

Enclosure

STATEMENT OF JUSTIFICATION

ANNEX-XXXX

PURCELLVILLE CROSSROADS

Annexation Application

March 2015

INTRODUCTION

Pleasants Kline, LLC (the "Applicant") is requesting the **annexation** of approximately 50.4 acres of real property (the "Property") located in the Blue Ridge District of Loudoun County into the corporate limits of the Town of Purcellville. The Property is an assemblage of four parcels identified in the Loudoun County Assessment records as Tax Map 36 Parcel 18C-1A (PIN 452-26-7298), Tax Map 36 Parcel 18C-2 (PIN 452-37-4904), Tax Map 36 ((8)) Parcel 1 (PIN 452-38-0026) and, Tax Map 36 ((8)) Parcel 2 (PIN 452-28-0080), which are owned by Pleasant Kline – Loudoun, LLC, DAS Henderson Holdings, LLC, and St. Francis, LLC, respectively (collectively the "Owners").

The Property is currently zoned JLMA-3 (Joint Land Management Area – 3) District and is located on the northwest corner of the intersection of Berlin Turnpike (VA Route 287) and Harry Byrd Highway (VA Route 7), and is further bound to the north and west by St. Francis Court (VA Route 722). The Property is adjoined to the north by residential lots in the Wright Farm subdivision zoned JLMA-3; to the east by Carlisle and Anderson zoned RC (Rural Commercial) District; to the south, within the Town's corporate limits, by the right of way of Harry Byrd Highway zoned X (Transitional) District and the Purcellville Volunteer Fire and Rescue Station zoned IP (Institutional and Public) District; and to the west by St. Francis de Sales Catholic Church zoned JLMA-3. The Property is governed by the policies of the Purcellville JLMA Policy area defined in the Revised General Plan, and is designated for Rural – JLMA (Joint Land Management Area) land use.

PROPOSAL

The Applicant is requesting annexation of approximately 50.4 acres into the corporate limits of the Town of Purcellville (the "Town") to enable development of a mixed use neighborhood. The proposed neighborhood will consist of single family detached dwellings, mixed commercial uses, public/civic uses, commercial recreation facilities, and a hotel. The diversified use program envisioned by the Applicant will facilitate balanced growth that complements the Town's distinctive sense of place and promotes its continued economic vitality.

Eligibility of Property for Annexation

Pursuant to § 15.2-3202 and § 15.2-3203 of the Code of Virginia, territory adjacent to any city or town may be annexed into the corporate limits through a variety of methods and upon completion of specific procedural steps. The fundamental qualification for annexation is the adjacency of the territory to the corporate limits of the city or town into which it is proposed to be annexed. The parcels proposed to be annexed with this application are immediately adjacent to the existing corporate limits of the Town of Purcellville. As such, the parcels are qualified for annexation by the Town of Purcellville upon completion of one of the processes enabled by the applicable provisions of the Code of Virginia.

Project Description

The Property is located at the northwest corner of one of the most prominent crossroads in western Loudoun County that further serves as a primary point of entry to the Town. Annexation of the Property will facilitate the physical growth of the Town in a logical manner and enable Town control of the Property's development intensity and design character. Such control will ensure that the Property's unique locational attributes are not lost to low density rural development, but instead are translated into a distinctive node of activity that will promote the Town's land use and fiscal policies, while also providing new and varied opportunities for shopping, entertainment, and cultural engagement.

As depicted on the Annexation Concept Plan, the Applicant envisions development of the Property with sixty four (64) single family detached dwellings, seventy-five thousand (75,000) square feet of mixed commercial uses, indoor/outdoor commercial recreation facilities, and a hotel. The Applicant further intends to dedicate roughly nine (9) acres for civic/public uses. Specifically, five (5) acres containing an existing barn will be dedicated for its adaptive reuse as a community arts center with public open space, and approximately four (4) acres will be provided for County development of a park and ride facility.

To achieve this program, the Applicant will seek application of multiple planned land use designations to the Property, to include Mixed Use Commercial, Residential – 3 Dwelling Units per Acre, and Institutional/Government. Implementation of these designations is anticipated to occur via rezoning to the R-3 Cluster (Residential) and MC (Mixed Commercial) Zoning Districts. All proposed uses would be served by public water and sewer provided by the Town.

Consistency with the Comprehensive Plan & Benefit to the Town

The mixed use development concept envisioned by the Applicant is consistent with multiple inter-related policy objectives enumerated by the Purcellville, Virginia 2025 Comprehensive Plan (the “Plan”). In general, Plan policies encourage new development that achieves a balance of residential and commercial land uses, and further promote development that increases opportunities for growth of the commercial tax base. Specific Plan policies of relevance to the proposed annexation are as follows:

Fiscal Policy Goal (Chapter II, p. 22)

“Purcellville’s fiscal goal is to better balance the Town’s tax base by working toward 30 percent of the value of the Town’s real property tax base from commercial property and 70 percent from residential property in order to sustain the quality of life in Purcellville and to better distribute the real estate tax burden between commercial and residential property owners.”

2025 Housing Policies (Chapter III, p. 28)

- “1. Balanced Housing/Commercial Development: Promote a harmonious pattern of land development and a healthy land use balance that encourages community preservation, sustainable development and managed growth; increase the amount of commercial and light industrial development in Purcellville to provide a more balanced economy, local revenue structure, and cost effective public services; and provide more cost effective public services by achieving a real estate tax revenue ratio of at least 30 percent from commercial uses and no more than 70 percent from residential uses.”*

2025 Land Use Policies (Chapter III, p. 111)

- “1. Harmonious, Compatible and Orderly Land Development: Provide for managed community growth and land development that ensures harmonious, compatible and orderly land use patterns, enhances the unique community character of Purcellville and preserves landmarks (i.e., Cole Farm, Train Station, Dillon's Woods and Tabernacle).”*
- “2. Balanced Distribution of Land Uses: Provide a diversity of land uses in suitable locations to support the residential and business needs of Purcellville while ensuring economic, social and financial stability.”*

As detailed in the Town’s *Adopted Fiscal Year 2015 Fiscal Plan & Capital Improvement Program Fiscal Year 2015-2019*, the 2014 assessed value of all property within the Town’s corporate limits totaled \$1,093,743,250.00, of which commercial/industrial acreage comprised \$234,891,510.00, or 21% of the real property tax base (p. 31). Assuming development of Purcellville Crossroads as envisioned by the Applicant, the Town’s real estate tax base is projected to grow by roughly \$63,900,000.00, with the value of the commercial/industrial and residential categories increasing by approximately \$35,850,000.00 and \$28,050,000.00, respectively. As such, based on 2014 assessed values, the addition of Purcellville Crossroads would increase commercial/industrial land uses to 23% of the Town’s real property tax base.

Purcellville Crossroads
ANNEX-XXXX
Statement of Justification
March 2015

In addition to the positive impact on the Town's real estate tax base, Purcellville Crossroad's mixed use program would generate tax revenue from other sources, such as BPOL, meals, and transient occupancy taxes. In total, Purcellville Crossroads is projected to yield almost \$680,000.00 in tax revenue to the Town annually, inclusive of real estate taxes. The fiscal benefit to the Town is further enhanced by the water and sewer availability fees that will be required for the project, which are projected to total roughly \$5,900,000.00, and would provide a significant contribution toward retirement of debt associated with past improvements to the Town's utility infrastructure. The revenue projection calculations for Purcellville Crossroads are provided on the attached worksheet (Appendix A).

The annexation of the Property and its ultimate development as a mixed use neighborhood would therefore advance the Town's inter-related fiscal, housing, and land use policies. Indeed, the increase in the proportional share of the commercial/industrial tax base would be achieved in a balanced development context, with commercial development complemented by single family detached residential and civic uses. Such diversification of land uses will create a synergistic dynamic within the neighborhood that will maintain its vitality and promote long term growth in property values.

It is further noted that annexation of the Property is simply the first step in the development process. Subsequent to annexation, the Applicant will be required to complete comprehensive plan amendment and rezoning applications, which together will define the project's design characteristics and ensure sufficient infrastructure commitments to mitigate impacts and address community needs. This multi-step process will enable the Town to exert considerable influence over development of this critical gateway location, and in so doing make certain that Purcellville Crossroads is a complementary and harmonious extension of the Town's existing fabric.

Consistency with Loudoun County Policies

The Property has long been envisioned as an eventual addition to the Town of Purcellville, and previous joint planning efforts between the Town and Loudoun County formalized this expectation. Specifically, the Property was included within the Urban Growth Area established pursuant to the 1991 County General Plan, which was subsequently augmented by the Purcellville Urban Growth Area Management Plan (PUGAMP) and corresponding Joint Annexation Agreement, which were adopted by the Town and Loudoun County in May 1995 and November 1994, respectively, and remained in effect until their repeal in July 2013. PUGAMP further designated the planned land uses for the Property as office/industrial, signaling the mutual intent of the Town and Loudoun County to facilitate its ultimate transition to a more intensive form of development.

Although PUGAMP is no longer in effect, it is instructive that it anticipated and encouraged the Property's eventual annexation and development for the duration of its nearly twenty year existence. This expectation was neither challenged nor revised despite evolving land use patterns in the vicinity of the Property. That said, in the absence of PUGAMP, the vision for

future use and development of the Property is derived from the policies of Loudoun County's Revised General Plan (the "RGP").

The RGP applies the JLMA (Joint Land Management Area) land use designation to the Property, the policies of which are enumerated in Chapter 9, *The Towns*. In general, the Land Use Policies of Chapter 9 support varied forms of development within the JLMA. The following policies more specifically support consideration of the mixed-use concept envisioned by the Applicant (emphasis added):

- "3. ***Mixed-use development is encouraged in the existing Towns and JLMA areas around the Towns to reinforce the traditional growth patterns, to reduce auto trips, to minimize the need for additional road improvements, and to encourage walking to employment and shopping. Specific land use plans will be adopted jointly by the County and Towns to cooperatively plan JLMAs or to plan areas around Towns without JLMAs.***"
- "4. ***Within JLMAs, the County encourages the development of a variety of housing types in an urban pattern of compact neighborhoods extending in a contiguous, rational and convenient manner from the existing Town.***"
- "10. ***Commercial retail and service development in Town JLMAs will consist of businesses that are compatible with the rural economy and the existing businesses of the Towns. This also may include innovative recreational or institutional uses or home-occupation uses out of residents' homes. A neighborhood center may be appropriate when proposed in conjunction with a residential community development or where it can be integrated with an existing residential area.***"

Moreover, Chapter 9 includes language acknowledging the value of annexation, as follows:

"Annexation is a logical extension of the increased role played by Towns in the provision of public facilities, services, utilities and commercial products and services. Annexation will allow system providers a larger role in managing the services and facilities in each Town. Potentially annexation could result in the enhancement of the towns' tax revenues...All Towns can work with the County on possible annexations."

The RGP is therefore supportive of a development pattern and use mix within the JLMA that effectively extends the fabric of the Town, and the RGP further recognizes the value of annexation as a means of achieving this objective. Indeed, the applicable policies of the RGP discourage a homogenous pattern of development within the JLMA, and instead encourage land uses to evolve in intensity and form to complement the Town, distinct from the large lots and low densities of the surrounding rural areas. The annexation proposed by the Applicant is consistent with the adopted vision of the RGP.

CONCLUSION

The 50.4 acres comprising Purcellville Crossroads are properly situated to enable annexation into the Town of Purcellville pursuant to the applicable provisions of the Code of Virginia, and such annexation is consistent with the policies of the Purcellville, Virginia 2025 Comprehensive Plan and Loudoun County Revised General Plan. The mixed use development program envisioned by the Applicant will promote the Town's fiscal objectives by facilitating a more balanced real estate tax base, generating recurring tax revenues, and contributing significant funding toward retirement of debt associated with past improvements to the Town's utility infrastructure. Annexation of the Property will further enable Town control over subsequent stages of the development review process, thereby ensuring that the neighborhood's design, public amenities, and infrastructure reflect the expectations and needs of the community. In short, the requested annexation will advance the interests of the Town, its citizens, and the broader Purcellville community, and therefore merits favorable consideration.

APPENDIX A

Purcellville Crossroads

Revenue Calculations/Estimates

Revised 9/11/2015

Project Area & Use Mix	Area (AC)	% of Project
Commercial	20.1	40%
Residential	25.3	50%
Public - Arts Center & Park	5	10%
Project Total	50.4	100%

Real Estate Valuation/Assessment Projections

Commercial Real Estate Value Projection (Assessed)

	GFA (SF)	Area (AC)	Projected Value: \$ per SF GFA*	Projected Value: \$ per Acre**	Total Projected Value:
Land Overall (Center + Tilley)		20.1		\$ 359,961	\$ 7,235,226
Retail/Restaurant Buildings	75,000		\$ 215.04		\$ 16,128,000
Hotel Buildings (80 room)*†					\$ 3,500,000
Tilley Improvements††					\$ 9,000,000
TOTAL COMMERCIAL					\$ 35,863,226

*Projected building valuation rate based on 2014 assessed building/improvement value of Purcellville Gateway.

**Projected land valuation rate based on 2014 assessed land value of Purcellville Gateway.

†Hotel building value derived from Dulles Aloft at Dulles Parkway Center value (60% of \$5.8M; 80 rooms v. 136 rooms).

††Tilley Improvements include 27,000 SF indoor facility and outdoor facilities (improvement value of outdoor facilities per Tilley estimates).

Residential Real Estate Value Projection (Assessed)

	Quantity (units)		Projected Value: Land/Lot (\$ per lot)	Projected Value: Building (\$ per unit)	Projected Value: Land + Building	Total Projected Value
Single Family Detached (SFD)*	73		\$ 124,000	\$ 314,500	\$ 438,500	\$ 32,010,500
TOTAL RESIDENTIAL	73					\$ 32,010,500

*Projected SFD value based on 2014 assessment of single family small lots in The Village Case subdivision.

Total Project Real Estate Value Projection (Assessed)

	Projected Value	% of Total
Commercial Component	\$ 35,863,226	52.84%
Residential Component	\$ 32,010,500	47.16%
Total Project	\$ 67,873,726	100.00%

Town of Purcellville - Balance of Housing/Commercial Calculation ("70/30 Objective")

Town Assessments by Land Use Category - 2014 (Per Town Budget)

Land Use Classification	Assessed Value	% of Total
Single Family Dwelling	\$ 679,040,520.00	
Townhouse	\$ 141,827,630.00	
Other Residential	\$ 23,705,080.00	
Multi-Family (5+ units)	\$ 14,278,510.00	
Commercial/Industrial	\$ 234,891,510.00	21%
TOTAL	\$ 1,093,743,250.00	

Current Commercial Tax Base

Town Assessments by Land Use Category - 2014 + Purcellville Crossroads

Land Use Classification	Assessed Value	% of Total
Single Family Dwelling	\$ 711,051,020.00	
Townhouse	\$ 141,827,630.00	
Other Residential	\$ 23,705,080.00	
Multi-Family (5+ units)	\$ 14,278,510.00	
Commercial/Industrial	\$ 270,754,735.95	23%
TOTAL	\$ 1,161,616,975.95	

Commercial Tax Base with Purcellville Crossroads

Town of Purcellville - Water & Sewer Availability Fees (i.e. "Tap Fees")

	Water & Sewer Availability Fee* (\$ per connection)	Quantity (connections)	Total Availability Fee
RESIDENTIAL			
Single Family Detached (3/4")	\$ 71,359	73	\$ 5,209,207
TOTAL RESIDENTIAL FEE			\$ 5,209,207
COMMERCIAL			
Tilley Entertainment Ctr. (1")	\$ 118,779	1	\$ 118,779
Commercial Center (1")	\$ 118,779	3	\$ 356,337
Commercial Center (1.5")	\$ 237,334	2	\$ 474,668
Hotel (2")	\$ 379,541	1	\$ 379,541
TOTAL COMMERCIAL FEE			\$ 1,329,325
Town of Purcellville - TOTAL WATER & SEWER PROJECT AVAILABILITY FEES:			\$ 6,538,532

*Water and Sewer Availability Fees, March 2013

3/4" Connection = \$71,359 @ \$38,631 (water fee) + \$32,400 (sewer fee) + \$328 (meter fee)
 1" Connection = \$118,779 @ \$64,385 (water fee) + \$54,000 (sewer fee) + \$394 (meter fee)
 1.5" Connection = \$237,334 @ \$128,770 (water fee) + \$108,000 (sewer fee) + \$564 (meter fee)
 2" Connection = \$379,541 @ \$206,032 (water fee) + \$172,800 (sewer fee) + \$709 (meter fee)

Town of Purcellville - PROJECTED ANNUAL COMMERCIAL TAX REVENUE @ PROJECT BUILD-OUT

Commercial Center @ Build-out (75,000 SF Restaurant/Retail + 80 Room Hotel)

Tax	Taxable Value	Tax Rate	Annual Tax Revenue
Real Estate*	\$ 24,739,446	\$0.225 per \$100	\$ 55,663.75
Meals Tax**	\$ 4,000,000	5% of gross	\$ 200,000.00
Transient Occupancy (Hotel)	\$ 2,500,000	3% of gross	\$ 75,000.00
BPOL† Retail	\$ 25,000,000	\$0.17 per \$100	\$ 42,500.00
BPOL† Restaurant	\$ 4,000,000	\$0.17 per \$100	\$ 6,800.00
BPOL† Hotel	\$ 2,500,000	\$0.17 per \$100	\$ 4,250.00
Commercial Center Annual Tax Revenue:			\$ 384,213.75
Tilley @ Build-out			
Real Estate*	\$ 11,123,769	\$0.225 per \$100	\$ 25,028.48
Meals Tax**	\$ 3,747,500	5% of gross	\$ 187,375.00
BPOL†	\$ 11,575,000	\$0.17 per \$100	\$ 19,677.50
Tilley Entertainment Annual Tax Revenue:			\$ 232,080.98
TOTAL PROJECTED ANNUAL COMMERCIAL TAX REVENUE			\$ 616,294.73
*Assumes 14.2 acres for commercial center uses, 5.9 acres for Tilley Center.			
**Meals tax based on gross receipts ("Taxable Value").			
†BPOL (Business License Tax) based on gross receipts ("Taxable Value").			
Residential Tax Revenue			
Real Estate	\$ 32,010,500	\$0.225 per \$100	\$ 72,023.63
Town of Purcellville - Total Annual Tax Revenue:			\$ 688,318.36

September 21, 2015

Mr. Patrick Sullivan, AICP, CED
Director of Community Development
Town of Purcellville, Virginia
221 South Nursery Avenue
Purcellville, VA 20132

**Re: Purcellville Crossroads
Traffic Impact Statement
Town of Purcellville, Virginia
Bowman Project #004946-01-001**

Dear Mr. Sullivan:

Bowman Consulting Group (BCG) has prepared a traffic impact statement in support of the proposed Purcellville Crossroads annexation and development. The site is generally located north of the Route 7 Bypass, west of Route 287 (Berlin Turnpike) and south/east of St. Francis Court in Loudoun County, Virginia.

The approximately 50.46 acre site is currently located outside the Town of Purcellville limits and is under consideration for annexation into the Town. The purpose of this memorandum is to provide existing traffic data and the proposed trip generation for the development. The memorandum is not a full traffic impact analysis and does not identify any road improvements that may be required in the future with or without the development of the project. It is our understanding that the site would still have to go through the rezoning process if it is annexed. At that time a full traffic impact analysis may be required by the Town/Virginia Department of Transportation (VDOT) depending on the size of the development. The trip generation information contained herein represents "raw" trips and does not account for development specific factors such as internal capture and pass-by trips which would reduce the overall trips that would impact the surrounding roadway network. These trip reductions will be analyzed with the full traffic impact analysis.

Based on current plans, access to the site would be provided by entrances on Route 287 (Berlin Turnpike) and St. Francis Court. It should be noted that the Townwide Transportation Plan has identified the portion of St. Francis Court that runs east-west as along the right-of-way for the Future Northern Collector.

Existing Traffic Conditions

According to the latest VDOT data available (2014), Route 287 (Berlin Turnpike) carries approximately 6,500 vehicles per day in the vicinity of the site.

According to the most recent VDOT data available (2014), St. Francis Court carries approximately 340 vehicles per day. BCG also conducted a 24-hour count on St. Francis Court near the intersection with Route 287 in April, 2015. The results of the count indicate that St. Francis Court carries approximately 207 vehicles per day.

A review of the most recent 5 years (2009-2013) of available crash data shows that there have been 8 crashes during that time frame. Of the 8 crashes, six were related to deer, one was rear end, and one was head on. All of the crashes resulted in property damage only (no injuries).

Site Trip Generation

A trip generation analysis was completed to estimate the trips that would be generated by the proposed Purcellville Crossroads development. The trip generation is based on the most recent proposed development plans and is subject to change if those plans change.

For trip generation purposes the development was assumed to consist of the following:

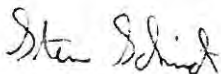
- 74 single family dwelling units
- 75,000 S.F. of shopping center
- An 80 room hotel
- 5.9 acres of multipurpose recreation facility space
- A community arts center located in the existing barn (+/- 6,000 S.F.)
 - o The arts center is not expected to generate trips during the peak hours and would be a minimal generator on a daily basis and therefore was considered negligible from a trip generation standpoint.

The average weekday AM and PM peak hour, and weekday average daily trips that would be generated were estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th edition and are shown in Table 1.

As shown in Table 1, the proposed development would generate approximately 187 new trips during the AM peak hour (94 in and 93 out), 440 new trips during the PM peak hour (225 in and 215 out), and 5,186 average daily trips. As noted above, these are "raw" trips and do not account for development specific reductions (internal trips and pass-by trips) which will be accounted for in the full traffic impact analysis.

Should you have any questions or comments, please contact our office at (804) 616-3240.

Sincerely,
BOWMAN CONSULTING GROUP, LTD.



Stephen O. Schmidt, PE, PTOE
Transportation Project Manager

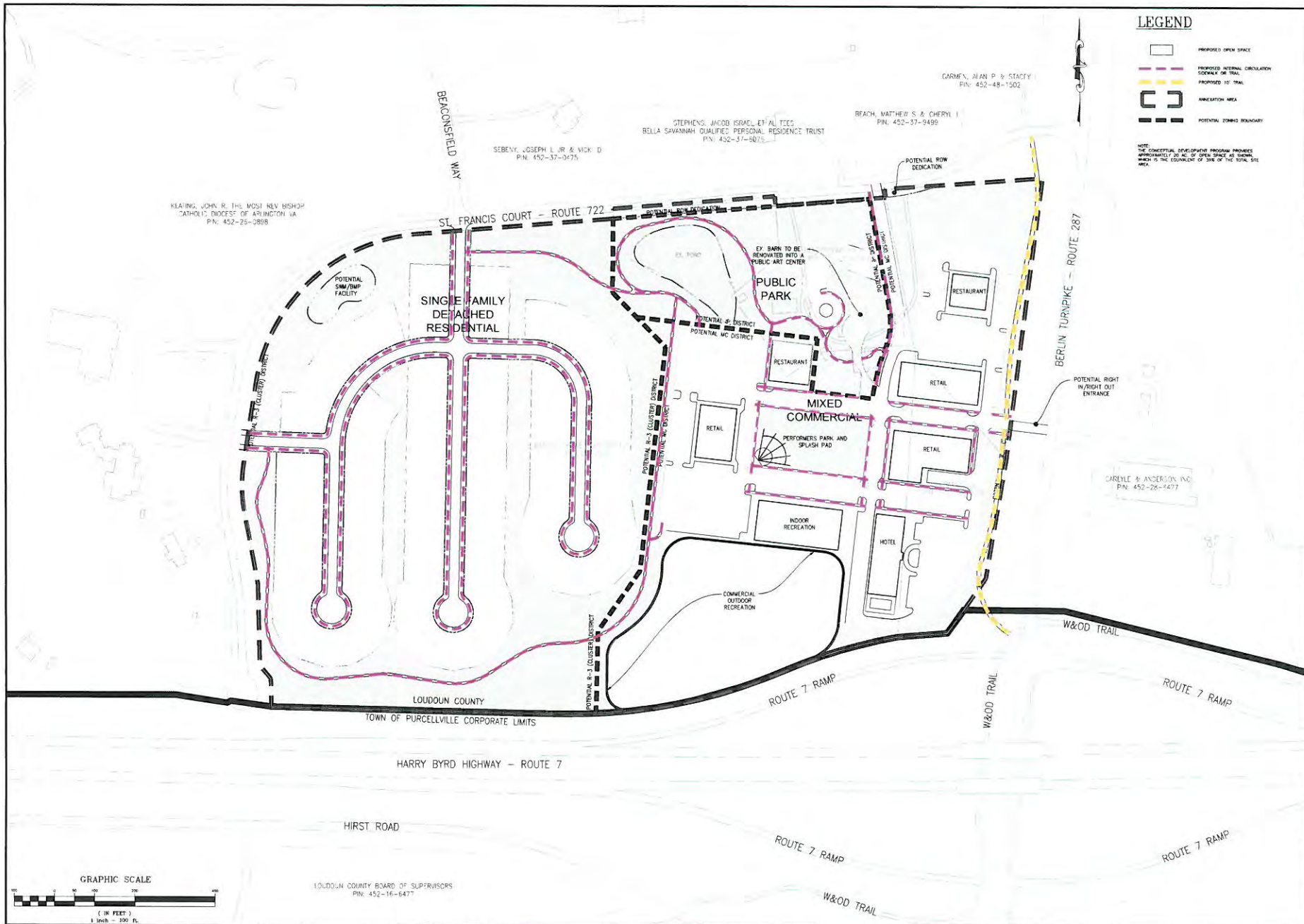


Table 1 - Purcellville Crossroads ITE Site Trip Generation Analysis

Land Use	Size	Units	Land Use Code	AM Peak Hour			Weekday PM Peak Hour			Daily Trips
				In	Out	Total	In	Out	Total	
<u>Proposed Purcellville Crossroads Development</u>										
<u>Residential</u>										
Single Family Detached	74 D.U.		210	16	46	62	50	30	80	796
<u>Commercial</u>										
Shopping Center	75,000 S.F.		820	45	27	72	133	145	278	3,203
Hotel	80 Rooms		310	25	17	42	24	24	48	654
<u>Recreation</u>										
Multipurpose Recreational Facility	5.9 Acres		435	8	3	11	18	16	34	533
Total Proposed Purcellville Crossroads Trips				94	93	187	225	215	440	5,186

Notes: (1) Based on the Institute of Transportation Engineers Trip Generation, 9th Edition.

(2) In/Out distributions based on specialized land use data within Land Use Code 435.



LEGEND

- PROPOSED OPEN SPACE
- PROPOSED INTERNAL CIRCULATION SIDEWALK OR TRAIL
- PROPOSED POT TRAIL
- ANNEXATION AREA
- POTENTIAL ZONING BOUNDARY

NOTE: THE CONCEPTUAL DEVELOPMENT PROGRAM PROVIDES APPROXIMATELY 20 AC. OF OPEN SPACE AS SHOWN, WHICH IS THE EQUIVALENT OF ONE OF THE TOTAL SITE AREA.

Bowman
CONSULTING

Bowman Consulting Group, LLC
101 South Street, Suite 200
Loudoun, VA 22079
Phone: (703) 442-2420
Fax: (703) 442-2426
www.bowmanconsulting.com
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CONCEPTUAL PEDESTRIAN AND OPEN SPACE PLAN
PURCELLVILLE CROSSROADS
ANNEXATION
BLUE RIDGE ELECTION DISTRICT LOUDOUN COUNTY, VIRGINIA

PLAN STATUS		
24/06/2015	PER TOWN COMMENTS	
29/07/2015	PER TOWN COMMENT	
DATE	DESCRIPTION	
JAC	CM	CMH
DESIGN	DRAWN	CHKS
SCALE		
JOB No.	4946-01-001	
DATE	MARCH 31, 2015	
FILE No.	4946-0-ZP-001	
Sheet	3 of 6	



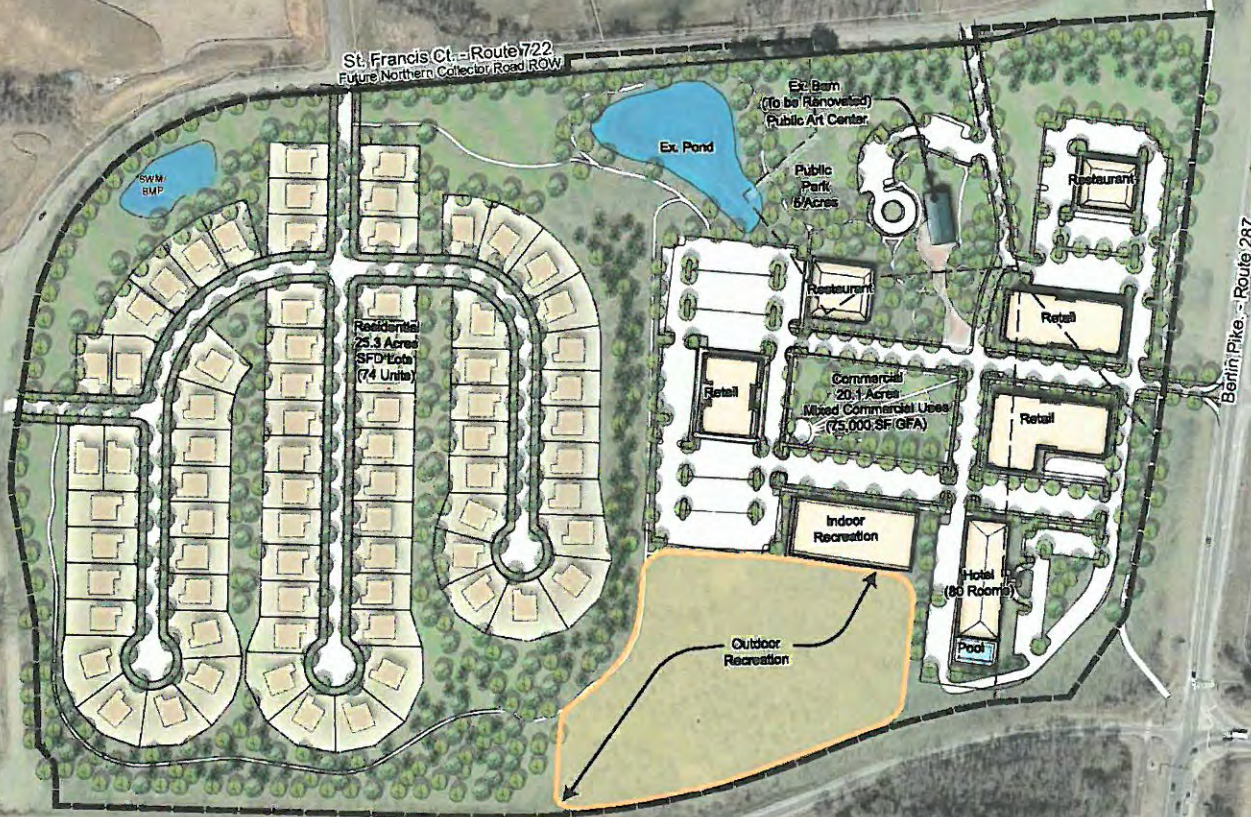
Performers Park & Splash Pad



**Existing Barn
(To be renovated)**



St. Francis Ct. - Route 722
Future Northern Collector Road ROW



Harry Byrd Hwy - Route 7

**Bowman
CONSULTING**

Bowman Consulting Group, LLC
1911 South Street, S.E.
Lynchburg, Virginia 23803
Phone: (703) 443-4400
Fax: (703) 443-4400
www.bowmanconsulting.com

ILLUSTRATIVE PLAN
PURCELLVILLE CROSSROADS
ANNEXATION
BLUE RIDGE ELECTRIC DISTRICT
LOUDOUN COUNTY, VIRGINIA

PLAN STATUS	
DATE	DESCRIPTION
10/26/2015	PER TOWN COMMENTS
10/26/2015	PER TOWN COMMENTS
DATE	DESCRIPTION
JAF	CM
DESIGN	DRAM
SCALE	CMW
JOB No.	4946-01-001
DATE	MARCH 31, 2015
FILE No.	4946-0-2P-001
SHEET	4 of 6

THE PROPERTY SHOWN HEREIN ARE LOCATED ON LOUDOUN COUNTY TAX MAPS. IDENTIFY AS PIN 493-26-7228.
SECTION 20. THE PROPERTY SHOWN HEREIN ARE LOCATED ON 20-26-7228 PER ASSIGNMENTS AND IS ZONED A-MIXED RESIDENTIAL (LOUDDON COUNTY ZONING ORDINANCE).

THE PROPERTY SHOWN HEREIN IS NOW IN THE NAME OF PEASANTS KITE+LODGEON, LLC AS RECORDED IN INSTRUMENT 0006862-003532 AND INSTRUMENT 0006862-003531 AND INSTRUMENT 0006862-003532 AND INSTRUMENT 0006862-003531.

BOUNDARY AND NORTH MEASURE INFORMATION SHOWN HEREIN IS BASED ON EXISTING LAND RECORDS OF LOUDOUN COUNTY, VIRGINIA.

THE PROPERTY SHOWN HEREIN LIES IN ENCL 1 (UNSHARED). AREAS SET APART TO BE OUTSIDE 500-YEAR FLOOD PLACENT AND ADJACENT ON FEMA 4000 INSURANCE RATE MAP FOR LOUDOUN COUNTY, VIRGINIA; NUMBER: 15105CZ-0001 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

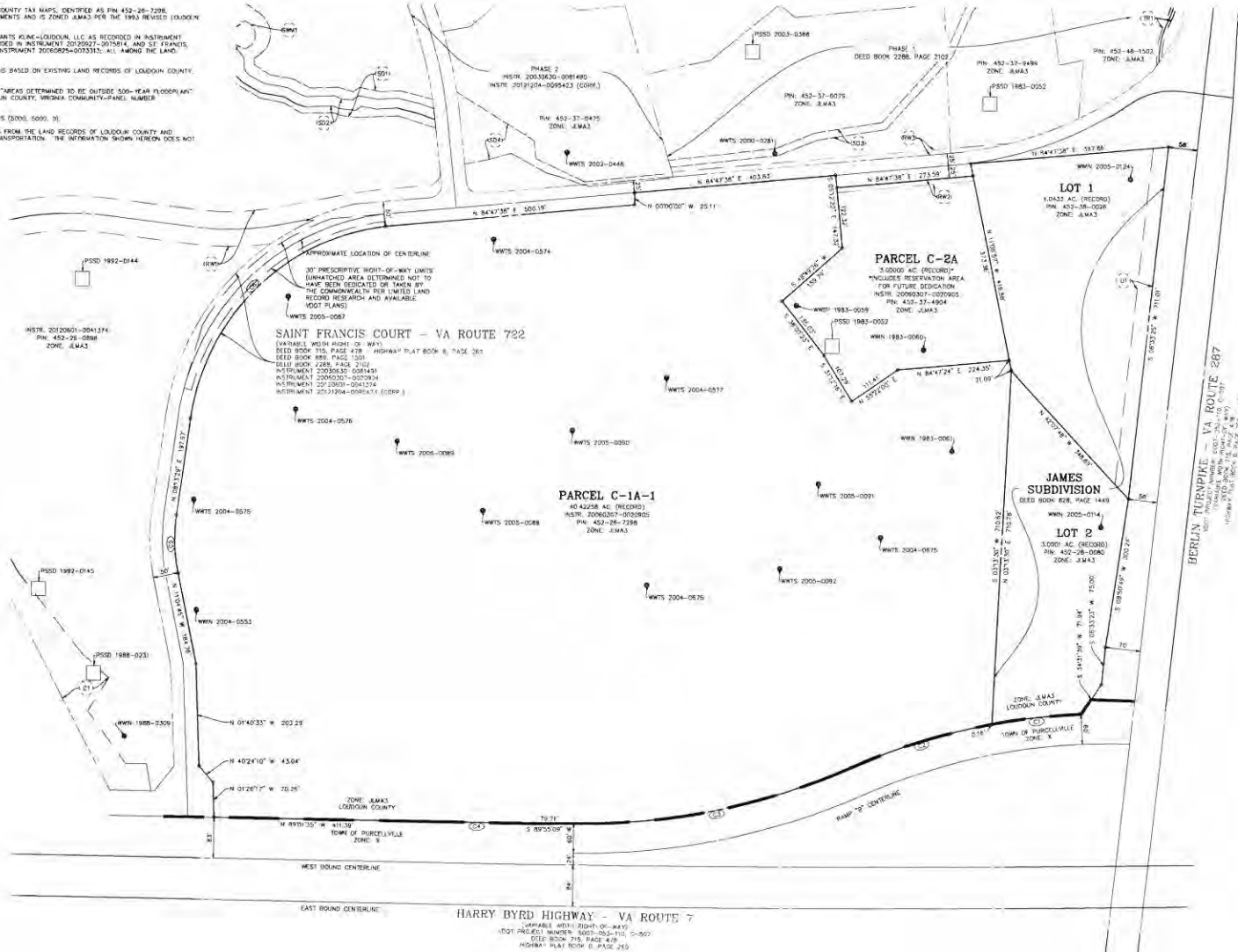
CONVEYANCES FOR THIS BATH MAY BE IN ASSIGNED COUNTERPARTS (2000, 5000, 3).

THE INFORMATION SHOWN HEREIN IS A COMPILATION OF RECORDS FROM THE LAND RECORDS OF LOUDOUN COUNTY AND HIGHWAYS OF THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION. THE INFORMATION SHOWN HEREIN DOES NOT REPRESENT ANY FIELD SURVEY.

123	EX. FUTURE COORDINATION EASEMENT	
124	INSTR. 20020630-004134	
125	EX. FUTURE NORTH-COLLCTOR ROAD	
126	RIGHT-OF-WAY RESERVATION	
127	INSTR. 20020630-004134	
128	EX. 10' RIGHT-OF-WAY RESERVATION	
129	INSTR. 20020630-004134	
130	EX. 70' RESERVATION FOR FURLEWELL	
131	EX. 70' F. COLLCTOR ROAD	
132	D.B. 228R, PG. 2102	
133	EX. 50' STORM BUFFER AND 20' STORM DRAINAGE EASEMENT	
134	INSTR. 20020630-004134	
135	EX. 20' STORM DRAIN EASEMENT	
136	D.B. 228R, PG. 2102	
137	EX. 15' STORM DRAIN EASEMENT	
138	D.B. 228R, PG. 2102	
139	EX. STORM DRAIN EASEMENT	
140	INSTR. 20020630-004134	
141	EX. STORMWATER MANAGEMENT EASEMENT	
142	INSTR. 20020630-004134	
143	EX. 10' UTILITY EASEMENT	
144	D.B. 228R, PG. 2102	
145	EX. 40' PRIVATE GARDEN & UTILITY EASEMENT	
146	D.B. 228, PG. 1449	

☐ DRAINFIELD SITE - LOCATION APPROXIMATE
(PER LOUDOUN COUNTY GIS MAPPING - MARCH 12, 2015)

● WELL SITE - LOCATION APPROXIMATE
(PER LOUDOUN COUNTY GIS MAPPING - MARCH 12, 2015)



CURVE	RA (deg)	DEC (deg)	CHORD BEARING	CHORD	DELTA	TANGENT
C1	126.23°	179.71	5.852438° W	179.56	8° 0' 23"	90.00°
C2	78.12°	294.23	3.72 38 36° W	293.55	13° 21 28"	144.78°
C3	1732.96°	572.83	5° 78' 8.33" W	568.43	24° 37' 20"	290.80°
C4	4568.83°	227.78	N 89° 09' 09" W	227.78	0° 07' 09"	113.89°
C5	345.84°	116.57	N 01° 25' 38" E	115.97	0° 07' 15"	58.92°
C6	45.37°	587.51	N 45° 30' (E)	586.29	74° 53' 00"	333.33°

107 South Street, S.E.,
Louisburg, Virginia 20175
Phone: (703) 443-2400
Fax: (703) 443-2425
www.bowlinggreenjournal.com

BLUE RIDGE ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA
[Signature] [Printed Name] [Date] [Time] [Place]

JAE DESIGN	CIM DRAWING	CMV CHECK
---------------	----------------	--------------

DATE: MARCH 31, 2011

6 - 6

6 0 6

E.

Sullivan, Patrick

From: Krens, Liz
Sent: Tuesday, May 05, 2015 4:13 PM
To: Sullivan, Patrick
Cc: Lohr, Rob; LeMarr, Connie
Subject: Purcellville Crossroads

Patrick,

I took a look at the Purcellville Crossroads application. See comments below:

- They used a real estate tax rate of .225. The 2015 rate has been set at .22 with the Fireman's Field rate of .035. There will be a slight difference in revenue based on the actual tax 2015 and future rates.
- I cannot confirm or refute the assessed value or sales projections but they appear to be on the high side.

Liz

County of Loudoun
Department of Planning and Zoning
MEMORANDUM

DATE: June 2, 2015

TO: Patrick Sullivan, Director
Purcellville Department of Community Development

FROM: Rodion Iwanczuk, Senior Planner *RI*
Department of Planning and Zoning

SUBJECT: Purcellville ANX15-01 Purcellville Crossroads Annexation

BACKGROUND

An application submitted to the Town of Purcellville seeks annexation of 50.4 acres located in the Purcellville Joint Land Management Area (JLMA) northwest of the Route 7/Route 287 interchange. The 50.4-acre subject property includes four parcels – Lot 1, PIN 452-26-7298, Lot 2, PIN 452-37-4904, Lot 3, PIN 452-38-0026, and Lot 4, PIN 452-28-0080, that would be included within a proposed project known as Purcellville Crossroads.

The purpose of this referral is to review the proposed annexation application and identify potential process and land use planning issues of concern. The subject property is located in the Purcellville Joint Land Management Area and governed under policies of the Revised General Plan.

ANALYSIS

The subject property adjoins existing Town boundaries located along the northern right-of-way of Route 7. A farm machinery dealer is located across Route 287 to the east in a Rural Commercial (RC) zoning district; single-family residential dwellings are located to the north in a Joint Land Management Area-3 (JLMA-3) zoning district; and St. Francis Catholic Church is located to the west in a JLMA-3 district. The applicant submitted a potential mixed-use development proposal and Concept Development Plan (CDP) to the Town; however, County staff understand that such proposal is not binding upon the applicant or the Town. The annexation application contemplates a development scenario that could contain single-family detached homes, mixed commercial uses including retail, indoor/outdoor recreation facilities, lodging, and civic and public uses

including a community arts center and a park and ride lot¹. Primary access to and from Route 287 would be provided along St. Francis Court, and a new right-in/right-out driveway entrance along southbound Route 287 approximately 550 feet north of the Route 7 interchange. Such a driveway configuration, however, would direct traffic coming from the south, including from within Purcellville, to enter the subject property via existing St. Francis Court. According to the submitted development scenario, the proposed project would generate approximately 3,054 average daily trips, including 293 new trips during the AM peak hour and 313 new trips during the PM peak hour. According to 2014 Virginia Department of Transportation (VDOT) data, the Annual Average Daily Traffic for Route 287 in the vicinity of the subject property is 6,500 vehicles per day.

Town staff and the applicant both note that several means of annexation are available under Virginia law. The simplest mechanism is a Boundary Line Adjustment by agreement, which requires public hearings by both affected jurisdictions followed by submission to the appropriate Circuit Court to determine whether proper procedures have been followed and proper boundaries established. If the owners of at least one third of the affected parcels object to the change, they are permitted to intervene in the court proceedings. Other methods available for annexation – Agreements Defining Annexation Rights, Voluntary Settlements of Annexation, or traditional Annexations - require additional review and public hearings by the Virginia Commission on Local Government and review by a special three-judge panel established by the Virginia Supreme Court. County staff notes that conditions may be placed on the affected property only pursuant to the several annexation processes noted above. Boundary Line Adjustments may not include any conditions on the property.

Should annexation occur, and if the Town thereafter considers the future land use map designation and zoning for the 50.4-acre property, County staff would encourage the Town to apply land use policies and zoning districts that are compatible with the surrounding development pattern. With regard to the land uses proposed by the applicant, County comprehensive plan policies support commercial areas within the Towns being located within their downtown areas as the preferred, principal location for retail and service businesses, office development, and major civic uses (*Revised General Plan, Chapter 9, The Towns, Land Use Policies 14 and 9*).

ISSUES FOR CONSIDERATION

1. Town's Annexation Guidelines indicate that Voluntary Settlement of Annexation Issues could be accomplished via Circuit Court; however, the only annexation procedure that may be completed solely through the Circuit Court is a Boundary Line Adjustment.
2. Compatibility with existing large-lot residential and institutional development.

¹ Loudoun County is currently updating its Transit Development Plan, a six-year guide to bus operations between 2016 and 2022. It is anticipated that the TDP will identify where bus operations could operate in tandem with park and ride lots.

3. Additional traffic directed to Route 287 – applicant indicates that project could generate an increase of 50 percent over current estimates of traffic on Route 287. No improvements are programmed for Route 7/287 interchange.
4. Future development should accommodate the alignment of Purcellville Northern Collector Road which is depicted on the County's Countywide Transportation Plan.

RECOMMENDATIONS

The Department of Planning and Zoning recommends that the Town of Purcellville consider the issues listed above as the Town contemplates annexation of the subject property.

Thank you for the opportunity to comment. We look forward to providing further evaluation and comment should additional material and/or justification for this annexation proposal become available.

cc: John Merrithew, AICP, Acting Director of Planning and Zoning
Joe Griffiths, Program Manager, Community Information and Outreach

Attachment: Vicinity Map

VICINITY MAP



G.

Town of Purcellville
Department of Community Development

221 S. Nursery Avenue Purcellville, VA 20132

(540)338-2304

Fax (540)338-6205

**Annexation
Application**

Date March 31, 2015 PIN Numbers 452-38-0026; 452-28-0080; 452-26-7298; 452-37-4904

StreetAddress 37887, 37903, & 37927 St. Francis Court, Purcellville, VA

Parcel Acreage 50.4 acres +/-

Parcel Zoning District JLMA-3

Agent's Name Bowman Consulting Group, Ltd.*

Fax No. 703-443-2425 Phone No. 703-443-2400

E-mail pquante@bowmancg.com; cmohn@bowmancg.com

Mailing Address 101 South Street SE

Leesburg, VA 20175

*Patrick D. Quante, P.E.
 Christopher M. Mohn, AICP

Owner's Name Pleasants Kline - Loudoun, LLC

Fax No. 703-744-1328 Phone No. 301-299-2099

E-mail Brad@Klineassoc.com

Mailing Address 24012 Frederick Road

Clarksburg, MD 20871-9718

PIN # 452-26-7298

☒ Additional Property Owners – See Attachment A

Description of request See attached Statement of Justification.

Justification for request See attached Statement of Justification.

Please see reverse for application process.

Agent/Owner:

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations and tests as they deem necessary.

Agent Signature

Date

3/31/2015

See attached Schedule A

Owner Signature

Date

For Town Use Only

Application Received:		Hearing Date:	T.C.	<input type="checkbox"/> Fees Paid Amount \$
			P.C.	
Approved:		Denied:		Annex. #

Town of Purcellville
Department of Community Development
221 S. Nursery Avenue Purcellville, VA 20132
(540)338-2304 Fax (540)338-6205

Annexation
Application

Schedule A

Date 3/10/2015 PIN: 452-26-7298; 452-37-4904; 452-38-0026; 452-28-0080

Street Address 37887, 37903, & 37927 St. Francis Court, Purcellville, VA

Parcel Acreage 50.4 acres Parcel Zoning District JLMA-3

Owners:

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations and tests as they deem necessary.

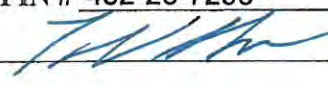
Owner's Name Pleasants Kline - Loudoun, LLC

Fax No. _____ Phone No. (301) 299-2099

E-mail Brad@Klineassoc.com

Mailing Address 24012 Frederick Road
Clarksburg, MD 20871-9718

Property PIN # 452-26-7298

Signature 


Owner's Name DAS Henderson Holdings, LLC

Fax No. _____ Phone No. (703) 737-8927

E-mail Neelam.Henderson@loudoun.gov

Mailing Address 37887 St. Francis Court
Purcellville, VA 20132-9639

Property PIN # 452-37-4904

Signature 

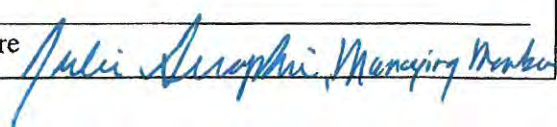
Owner's Name St. Francis, LLC

Fax No. _____ Phone No. (703) 203-6417

E-mail vchinc@roadstarinternet.net

Mailing Address 19440 Silcott Lane
Purcellville, VA 20132-4247

Property PIN # 452-38-0026; 452-28-0080

Signature 

Owner's Name _____

Fax No. _____ Phone No. _____

E-mail _____

Mailing Address _____

Property PIN # _____

Signature _____

ANNEX.# _____

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STAFF REPORT
REQUEST FOR RECOGNITION

Item # 18.a.

SUBJECT: Request for Recognition – Loudoun Valley High School Golf Team
4A State Champs

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Robert W. Lohr, Jr. Town Manager

SUMMARY and RECOMMENDATIONS:

For the second year in a row, the Loudoun Valley High School Golf Team has won the state championship. For the third consecutive year, Valley has boasted the state's individual champion.

BACKGROUND:

The Town chooses to recognize superb student athletes on their successes in team as well as individual sports.

BUDGET IMPACT:

Minimal budget impact expected to be less than \$100.00.

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STAFF REPORT
RECOGNITION REQUEST

Item # 18.b.

SUBJECT: Recognition Request for Jeff Light – Community Garden Volunteer

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Melanie Scoggins, Event Specialist

SUMMARY and RECOMMENDATIONS:

Staff recommends that Council approve recognition of Jeff Light, volunteer for the Community Garden

BACKGROUND:

The Community Garden was created in 2012 with 14 plots that were managed by the Parks and Recreation Advisory Board and other volunteers. The garden has since grown to 18 plots and with the exception of the financial tracking aspect and minimal check in from Town staff the Community Garden is now totally volunteer managed.

Jeff Light offered to manage the Community Garden program for the 2015 season because he has enjoyed gardening there in the past. He has gone above and beyond expectations by organizing garden work days with other plot renters, creating a sense of community by hosting potlucks with other gardeners using some of their harvest, collectively creating a neighborhood herb garden so that everyone in the neighborhood, not just gardeners, can have access to fresh herbs, worked a pollinator plot to enhanced garden pollination, encouraged and continued use and maintenance of the community compost pile. Jeff has been an excellent example of a community volunteer and nurtured and expanded a beneficial program for the Town.

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STAFF REPORT
ACTION

Item #19.a.

SUBJECT: Approval of Meeting Minutes

DATE OF MEETING: October 27, 2015

STAFF CONTACTS: Diana Hays, Town Clerk

SUMMARY and RECOMMENDATIONS:

Attached are the meeting minutes from the October 13, 2015 Town Council Meeting.

ATTACHMENT(S):

1. October 13, 2015 Meeting Minutes

**MINUTES
PURCELLVILLE TOWN COUNCIL REGULAR MEETING
OCTOBER 13, 2015
TOWN HALL HERITAGE ROOM & COUNCIL CHAMBERS**

The regular meeting of the Purcellville Town Council was convened at 6:30 PM in the Heritage Room with the following in attendance:

PRESENT: Kwasi Fraser, Mayor
Ben Packard, Vice Mayor
John Nave, Council member
Joan Lehr, Council member
Karen Jimmerson, Council member
Patrick McConville, Council member
Doug McCollum, Council member

ABSENT: None

STAFF: Robert Lohr, Jr., Town Manager
Danny Davis, Assistant Town Manager
Sally Hankins, Town Attorney
Alex Vanegas, Director of Public Works
Chief Cindy McAlister, Police Dept.
Liz Krens, Director of Finance
Patrick Sullivan, Director of Community Development
Daniel Galindo, Senior Planner
Diana Hays, Town Clerk

CALL TO ORDER OF REGULAR MEETING:

Mayor Fraser called the regular meeting to order at 6:30 PM.

INTERVIEWS FOR COMMITTEES, COMMISSIONS AND BOARDS

- a. Browning Herbert
- b. Michael Oaks

Immediately following the interviews, Council reconvened in Council Chambers at 7:08 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS/APPROVAL:

None

PROCLAMATIONS/RECOGNITIONS:

- a. Go Green Award – presented by Danny Davis, Assistant Town Manager
- b. ICMA Certificate of Distinction – presented by Danny Davis, Assistant Town Manager
- c. Certificate of Achievement for Excellence in Financial Reporting – presented by Liz Krens, Director of Finance

PRESENTATIONS:

- a. Volunteers of American Chesapeake, Loudoun Homeless Services – presented by James Wynn, Vice President, Development, Volunteers of America, Chesapeake/Loudoun Homeless Services

Mr. Wynn gave an overview of services provided by the organization.

- b. Crossroads Annexation Presentation – presented by Brad Kline, Kline and Associates

Prior to the presentation, Council member McConville disclosed that Brad Kline is a client of his employer, Bowman Consulting. Council member McConville added that Brad Kline is an owner in the Purcellville Crossroads application. As an employee of Bowman, Council member McConville stated he does not personally represent or provide services to Brad Kline or the Purcellville Crossroads application. Council member McConville stated he is able to participate as a Council member in the Purcellville Crossroads application fairly, objectively and in the public interest.

Mr. Kline gave an overview of the Crossroads project with the incorporated changes proposed by the citizens.

STANDING COMMITTEE/COMMISSIONS/BOARD REPORTS:

- a. Planning Commission, Gilbert Paist, Chairman

Chairman Paist provided an update on what the Planning Commission is working on in the coming months and provided answers to questions submitted by Mayor Fraser.

- b. Board of Architectural Review, Vice Mayor Packard

Vice Mayor Packard stated that at the Sept. 15 meeting, the BAR had no formal applications but did hold a non-binding application meeting with the owner of Purcell's Gun Store for a proposed addition.

- c. Parks and Recreation Advisory Board, Council member McConville

Council member McConville stated that the Board has been discussing next year's Music and Arts Festival.

d. Economic Development Advisory Committee, Council member Nave

Council member Nave introduced Daniel Abramson and noted that Daniel was recently appointed Chairman of the BAR. Council member Nave thanked Warren Grossman for his leadership. Daniel Abramson came forward and provided an update on the mural that will be placed on the side of the Purcellville Restaurant, and will provide a full update next month.

e. Purcellville Arts Council, Council member Jimmerson and Liz Jarvis, Chairman

Council member Jimmerson noted that Doc Wiley has stepped down as Chair of the PAC and Liz Jarvis is the new Chair. Liz Jarvis thanked Doc Wiley for his service over the years. Liz Jarvis stated the need for new members, and provided an update of events over the past month.

CITIZEN/BUSINESS COMMENTS:

Kelli Grim of Devonshire Circle came forward and talked about the existing comprehensive plan. Ms. Grim requested from Council member McConville copies of his correspondence to and from the Town Attorney regarding the conflict of interest and the Commonwealth Attorney and their responses. Ms. Grim talked about the zoning changes.

Council member McConville requested an email from Ms. Grim stating exactly what information she is looking for.

David Eno of 351 E. Main Street talked about the depth of the legal ad. Mr. Eno spoke against the Oct. 27 public hearing and it being held too soon with the comprehensive plan still to do.

Tim Doozan owns a business on Hatcher Ave. and stated he is Vice President of the Purcellville Business Association. Mr. Doozan thanked Gil Paist and the Planning Commission for their work incorporating the citizen's concerns. Mr. Doozan is looking forward to the Town incorporating entertaining options.

Owen Brown of 37636 Wright Farm Drive stated a letter has been sent the Loudoun County Board of Supervisors and the Purcellville Town Council was copied. Mr. Brown stated concerns with the current annexation process and added that there are conflicts of interest among Town Council and County staff owning land under consideration for annexation, and requested that the Board of Supervisors stop the annexation request until the strategic guiding documents are updated.

Lydia Clark of 38111 Highland Farm Place expressed her disappointment for the developer and the consulting representative leaving the meeting so quickly. Ms. Clark spoke against the proposal presented earlier.

David Scruggs of 37922 Wright Farm Drive and spoke against the development proposal and asked Council to think about the long terms costs to the community including increased traffic and noise, light and wetlands pollution.

COUNCIL COMMENTS:

Council member McCollum stated he attended the VML Annual Meeting which he found very helpful.

Council member McCollum added that he attended breakfast at the Tree of Life last week.

Council member McCollum stated that he attended the PBA Candidate Forum at Patrick Henry College.

Council member McCollum added to Chairman Paist's comments about the upcoming comprehensive plan review and revisions.

Council member McConville stated although he could not attend, heard the Treasure Sale was well attended.

Council member Jimmerson noted she enjoyed seeing friends and neighbors at the Treasure Sale.

Council member Jimmerson talked about advantages and disadvantages of growth.

Council member Nave stated he attended the rededication ceremony in honor of Mac Brownell.

Council member Nave talked about the Treasure Sale and the open house of the Valley Energy building.

Council member Nave talked about the advantages and disadvantages of growth.

Council member Lehr stated that the Purcellville Business Association luncheon went well.

Council member Lehr introduced Dave Stegmaier, Director of Community Outreach from Congresswoman Barbara Comstock's Winchester office who was in the audience.

Council member Lehr attended the Treasure Sale and the Valley Energy building celebration.

Council member Lehr talked about the plans to pay down the Town's debt and about development.

Vice Mayor Packard stated he participated in the Treasure Sale.

Vice Mayor Packard stated his concerns for the miscommunication amongst the public.

Vice Mayor Packard talked about zoning use changes, text amendments and annexation.

Mayor Fraser stated he attended the VML Conference and attended various sessions and workshops including the Mayor's Conference and shared some of the ideas he took away from the sessions.

Mayor Fraser talked about the complexity of the topics discussed by Chairman Paist. Mayor Fraser quoted that the comprehensive plan is superior to any land use zoning.

Mayor Fraser stated the Treasure Sale was well attended.

Mayor Fraser talked about the responsible growth and adapting to changes. Mayor Fraser added that as decisions are being made we need to look at it from the view of the citizens.

CONSENT ACTION ITEMS:

- a. Declaration of Emergency Confirmation

Vice Mayor Packard made a motion that Town Council confirm the Declaration of Local Emergency warranted by the Mayor and Town Manager on October 1, 2015. The motion was seconded by Council member McCollum.

Motion:	Vice Mayor Packard
Second:	Council member McCollum
Carried:	7-0-0

McCollum -	Aye
McConville -	Aye
Jimmerson -	Aye
Nave -	Aye
Lehr -	Aye
Packard -	Aye
Mayor -	Aye

ACTION ITEMS:

- a. Social Media Policy and Town Facebook Page

Danny Davis summarized the staff report and talked about the content that would be included on the Facebook page. Danny Davis added that the Town would like to establish a policy which was included with the staff report.

Council member Nave made a motion that in order to continue efforts to engage the community and strengthen community partnerships, that the Purcellville Town Council adopt the Social Media Policy as shown in Attachment 1 and authorize the Town Manager and/or his designee to establish a formal Town of Purcellville Facebook page. The motion was seconded by Council member Jimmerson.

Council member McConville expressed concerns for argumentative comments made after business hours, and suggested a moderator be assigned to approve posts. Council member Jimmerson suggested setting the profanity filter high, and added that monitoring the page is fairly simple.

Council member Lehr made a friendly amendment stating that no Council Members will be given the ability to be Publishers. The amendment was accepted by Council member Nave.

Motion: Council member Nave
Second: Council member Jimmerson
Carried: 7-0-0

McCollum - Aye
McConville - Aye
Jimmerson - Aye
Nave - Aye
Lehr - Aye
Packard - Aye
Mayor - Aye

DISCUSSION/INFORMATIONAL ITEMS:

a. Report and Discussion on Zoning Use Changes

Daniel Galindo stated that staff's goal was to hear from Council about issues requiring more information and to get a consensus on what the focus of those should be.

Council member Nave stated he would email questions to Daniel Galindo. Council member Lehr noted she had requested that the new grid include whether the use is an allowable use previously in that district. Council member Lehr added it would be very helpful to know what has changed. Daniel Galindo stated that the compatibility of the matrices is low and asked to what extent Council would like to see detail. Mayor Fraser suggested emailing concerns to staff due to time.

Council member Lehr stated she would like to make sure that nothing is being removed from districts that was allowed previously, and will email her comments to staff.

Council member Nave stated he was missing the map that shows the districts and asked about Hirst Road. Daniel Galindo explained the districts along Hirst. Council member Nave stated he will send his comments in an email.

Council member McCollum stated his concern for fourteen districts in a 3.5 square mile town.

Council member McConville stated he agrees with Council member McCollum in that there are too many districts.

Council member Jimmerson stated she will email her concerns after reviewing the existing and proposed matrices.

Mayor Fraser requested a list of impacted roadways that will now be able to have a bus shelter.

Mayor Fraser talked about self-storage and revenue and would like to know why the Town is not receiving sufficient revenue from it. Mayor Fraser also asked about environmental capabilities related to self-storage. Mayor Fraser stated that he is concerned with moving forward with these changes before reviewing the comprehensive plan is that will result in more changes in zoning.

Vice Mayor Packard stated he has a spreadsheet that he will email to staff and Council for review.

b. Strategic Planning Session: Report and Update

Danny Davis summarized the staff report and added that this item will be added quarterly to the meeting agenda so that as updates are provided, they are reviewed quarterly. Danny Davis added that he will include this item on the next meeting agenda to review changes. Council discussed whether or not it makes sense to add percentage complete to each item, and after discussion determined that some items are ongoing and may not have completion dates.

c. Community Development Update

Patrick Sullivan stated there are a lot of site plans that are in development and have been sent for review. Patrick Sullivan added that the comprehensive plan process is being set up.

OLD BUSINESS

a. None Scheduled

NEW BUSINESS

b. None Scheduled

**DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS /
RECOGNITION:**

a. Proclamation Request – Red Ribbon Week

Rob Lohr summarized the request and added that the request has been made to the Town for the last five years.

Council agreed to add to the next agenda and to have the group prepared to give a short presentation.

APPROVAL OF MINUTES

a. Town Council Work Session – September 22, 2015

Council member McConville made a motion that Town Council approve the minutes of the September 22, 2015 Work Session as submitted wave reading. Council member Lehr seconded the motion.

Vice Mayor Packard made a friendly amendment that on page nine, paragraph three of the minutes that the opening line noting Vice Mayor Packard made a friendly amendment be changed to Council member Lehr. Council member McConville accepted the friendly amendment

Motion:	Council member McConville
Second:	Council member Lehr
Carried:	7-0-0

CLOSED MEETING

As authorized under Section 2.2-3711(A)(1) of the Code of Virginia, I move that the Purcellville Town Council convene in a closed meeting to discuss and consider prospective candidates for appointment to the Parks and Recreation Advisory Board, Board of Architectural Review, Economic Development Advisory Committee, Board of Zoning Appeals, Tree and Beautification Committee, Purcellville Arts Council, and the Committee on the Environment. The presence of the following individuals will reasonably aid the public body in its consideration of these appointments, and they are therefore requested to attend the closed meeting:

- 1) All Town Council members
- 2) Robert W. Lohr, Jr., Town Manager
- 3) Danny Davis, Assistant Town Manager

AND

As authorized under Section 2.2-3711(A)(7) of the Code of Virginia, I move that the Purcellville Town Council convene in a closed meeting to consult with legal counsel employed or retained by the public body concerning the following specific legal matters that require legal advice:

- (i) The Town's 1272-acre water supply reservoir property, which is subject to a Deed of Easement dated March 27, 2009 benefiting the Virginia Outdoors Foundation.

The following individuals are requested to attend the closed meeting:

- 1) All Town Council member
- 2) Robert W. Lohr, Jr., Town Manager
- 3) Danny Davis, Assistant Town Manager
- 4) Sally Hankins, Town Attorney
- 5) Alex Vanegas, Director of Public Works

Motion: Vice Mayor Packard
Second: Council member Lehr
Carried: 7-0-0

Packard -	Aye
Lehr -	Aye
Nave -	Aye
Jimmerson -	Aye
McConville -	Aye
McCollum -	Aye
Mayor -	Aye

**MOTION BY TOWN COUNCIL TO ADJOURN THE CLOSED MEETING AND
RECONVENE THE OPEN MEETING**

Vice Mayor Packard made a motion that the Town Council reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting.

Motion: Vice Mayor Packard
Second: Council member Lehr
Carried: 7-0-0

Lehr -	Aye
Nave -	Aye
Packard -	Aye
Jimmerson -	Aye
McConville -	Aye
McCollum -	Aye
Mayor -	Aye

**MOTION THAT THE RESOLUTION CERTIFYING THE CLOSED MEETING BE
ADOPTED AND REFLECTED IN THE MINUTES OF THE PUBLIC MEETING**

Vice Mayor Packard made a motion that the Purcellville Town Council adopt Resolution 15-10-01 certifying the closed meeting of October 13, 2015.

Motion: Vice Mayor Packard
Second: Council member Lehr
Carried: 7-0-0

Lehr -	Aye
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Nave - Aye
Packard - Aye
Jimmerson - Aye
McConville - Aye
McCollum - Aye
Mayor - Aye

APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS

Council member Lehr made a motion to approve the following appointment to fill a vacancy on the Board of Zoning Appeals:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Bill Lynch	Board of Zoning Appeals	Oct. 2015 through Oct. 2020

And to reappoint the following

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Chip Paciulli	Board of Zoning Appeals	Oct. 2015 through Oct. 2020
Eric Zimmerman	Board of Zoning Appeals	Oct. 2015 through Oct. 2020

The motion was seconded by Council member McConville. Council member Jimmerson made a friendly amendment that Council had discussed holding off on Zimmerman. Council member Lehr clarified that a decision was to be made once back in the open meeting. Mayor Fraser stated he thought Council was going to make a decision in open meeting.

Motion: Council member Lehr
Second: Council member McConville
Carried: 4-3-0

McConville - Aye
McCollum - Aye
Jimmerson - Nay
Nave - Nay
Lehr - Aye
Packard - Aye
Mayor - Nay

Council member McCollum made a motion that Town Council approve the following appointment to fill a vacancy on the Parks and Recreation Advisory Board:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Nicole Davison	Parks and Recreation Advisory Board	Oct. 2015 through Oct. 2017

And that the following are reappointed to the Parks and Recreation Advisory Board:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Russ Forno	Parks and Recreation Advisory Board	Oct. 2015 through Oct. 2017
Phillip Rohrer	Parks and Recreation Advisory Board	Oct. 2015 through Oct. 2017
Ken Beckstrom	Parks and Recreation Advisory Board	Oct. 2015 through Oct. 2017

The motion was seconded by Vice Mayor Packard.

Motion: Council member McConville
Second: Vice Mayor Packard
Carried: 7-0-0

Packard - Aye
Lehr - Aye
Nave - Aye
McCollum - Aye
McConville - Aye
Jimmerson - Aye
Mayor - Aye

Council member Jimmerson made a motion that Town Council approve the following appointments to fill vacancies on the Economic Development Advisory Committee:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Michael Oaks	EDAC	Oct. 2015 through Aug. 2019
Sarah Stratton	EDAC	Oct. 2015 through Aug. 2019
Browning Herbert	EDAC	Oct. 2015 through Aug. 2019

The motion was seconded by Council member Lehr.

Motion: Council member Jimmerson
Second: Council member Lehr
Carried: 7-0-0

Lehr - Aye
Nave - Aye
Packard - Aye
Jimmerson - Aye
McConville - Aye
McCollum - Aye
Mayor - Aye

Vice Mayor Packard stated that one opening will remain at this time on the EDAC.

Vice Mayor Packard made a motion that Town Council approve the following appointment to fill a vacancy on the Board of Architectural Review:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Phillip Forbes	Board of Architectural Review	Aug. 2015 through Aug. 2019

The motion was seconded by Council member Lehr.

Motion: Vice Mayor Packard
Second: Council member Lehr
Carried: 7-0-0

Lehr - Aye
Nave - Aye
Packard - Aye
McCollum - Aye
McConville - Aye
Jimmerson - Aye
Mayor - Aye

Council member Lehr made a motion to approve the following reappointment to the Economic Development Advisory Board:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Christie Morgan	EDAC	Sept. 2015 through Sept. 2017

And to reappoint to the Tree and Beautification Committee:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Craig Greco	Tree and Beautification Committee	Oct. 2015 through Oct. 2016

The motion was seconded by Vice Mayor Packard.

Motion: Council member Lehr
Second: Vice Mayor Packard
Carried: 7-0-0

Packard - Aye
Lehr - Aye
Nave - Aye
McConville - Aye
McCollum - Aye
Jimmerson - Aye
Mayor - Aye

ADJOURNMENT:

There being no further business, Council member Jimmerson made a motion to adjourn the meeting at 11:18 PM. Vice Mayor Packard seconded the motion.

Motion: Council member Jimmerson
Second: Vice Mayor Packard
Carried: 7-0-0

Kwasi A. Fraser, Mayor

Diana Hays, Clerk of Council

Mayor
Kwasi A. Fraser

Council
Joan Lehr
John A. Nave
Patrick McConville II
Karen Jimmerson
Douglass J. McCollum
Benjamin J. Packard



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

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TOWN OF PURCELLVILLE TOWN COUNCIL

RESOLUTION NO. 15-10-01

PRESENTED: OCTOBER 13, 2015
ADOPTED: OCTOBER 13, 2015

**A RESOLUTION: CERTIFYING THE CLOSED MEETING ON
OCTOBER 13, 2015**

WHEREAS, the Town Council of the Town of Purcellville, Virginia, has this day convened a closed meeting in accordance with an affirmative recorded vote of the Purcellville Town Council and in accordance with the Virginia Freedom of Information Act.

NOW, THEREFORE, BE IT RESOLVED that the Purcellville Town Council does hereby certify that to the best of each member's knowledge, i.) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed meeting to which this certification applies; and ii.) only such public business matters as were identified in the motion by which the said closed meeting was convened were heard, discussed or considered by the Purcellville Town Council.

PASSED THIS 13TH DAY OF OCTOBER, 2015.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk